



Updated:

8/20/12 @ 11:45am

Added communications for the following items:

Item 4 - Preliminary Plat for Gateway Addition, 880 Hwy 40

Item 6 - Redevelopment Plan; 9th & New Hampshire

8/16/12 @ 1:30pm

Added Item 1 - CUP for Creekwood Lawn at 1753 N 700 Rd

8/15/12 @ 3:30pm

Item 1 - CUP for Creekwood Lawn at 1753 N 700 Rd will be added when available

****The Wednesday, August 22nd Planning Commission meeting has been cancelled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
AUGUST 20 & 22, 2012 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 23, 2012.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

**REGULAR AGENDA (AUGUST 20, 2012) MEETING
PUBLIC HEARING ITEMS:**

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR CREEKWOOD LAWN; 1753 N 700 RD
(SLD)**

CUP-12-00030: Consider a Conditional Use Permit for a truck storage facility for Creekwood Lawn, located at 1753 N 700 Road. Submitted by Shelby Franklin, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

ITEM NO. 2 IG TO CS; .25 ACRES; 444-446 LOCUST ST (MJL)

Z-12-00020: Consider a request to rezone approximately .25 acres from IG (General Industrial) to CS (Strip Commercial), located at 444 - 446 Locust Street. Submitted by Tiburcio J. Reyes Sr., property owner of record.

ITEM NO. 3 PRD & CO TO RM24; 11.93 ACRES; 525 CONGRESSIONAL DR (SLD)

Z-12-00029: Consider a request to rezone approximately 11.93 acres from PRD (Planned Residential Development) and CO (Office Commercial) to RM24 (Multi-Dwelling Residential), located at the northwest corner of W. 6th Street and Congressional Drive and currently addressed as 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties LLC, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 4 PRELIMINARY PLAT FOR GATEWAY ADDITION; 880 HWY 40 (MKM)

PP-5-6-12: Consider a Preliminary Plat for Gateway Addition, a 6 lot subdivision containing approximately 146 acres, located at 880 Hwy 40 (NW quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Landplan Engineering, for Hanover Place, L.C. and Tanglewood, L.C., property owners of record.

RESUME PUBLIC HEARING:

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; HOSPITAL USE (SLD)

TA-12-00023: Consider a Text Amendment to the City of Lawrence Land Development Code to amend uses in the Hospital (H) District, to change all P uses (Permitted Uses), *except for the Hospital Use*, to A uses (Accessory Uses) to identify the Hospital use as the only principal use in this district and all other uses allowed in this district to be accessory to the this principal use. Requested by Lathrop & Gage LLP, on behalf of Lawrence Memorial Hospital. *Initiated by City Commission on August 14, 2012.*

ITEM NO. 6 REDEVELOPMENT PLAN; 9TH & NEW HAMPSHIRE ST

Consider making a finding that the Redevelopment Plan for the proposed redevelopment at 9th and New Hampshire is consistent with the City's comprehensive plan.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

July 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

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<http://www.lawrenceks.org/subscriptions>



PLANNING COMMISSION MEETING

July 23, 2012

Meeting Minutes DRAFT

July 23, 2012 – 6:30 p.m.

Commissioners present: Blaser, Britton, Burger, Culver, Hird, Lamer, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, Leininger, M. Miller, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 21, 2012.

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the May 21, 2012 Planning Commission minutes.

Motion carried 7-0-1 with Commissioner Lamer abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of June 25, 2012.

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the June 25, 2012 Planning Commission minutes.

Motion carried 7-0-1 with Commissioner Lamer abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Hird said the Agritourism Text Amendment would be going back to County Commission. He said if the changes were not unanimously approved by County Commission it would come back to Planning Commission.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 1 PRD TO RM15; 6 ACRES; 525 CONGRESSIONAL (SLD)

Z-7-20-11: Consider a request to rezone approximately 6 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea, Paul Werner Architects, agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the advantages of changing the zoning.

Ms. Day said it would put it in the position of being a conventional zoning and subject to site plan review. She said it made it cleaner for the applicant to move through the development process.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the request to rezone approximately 6 acres, from PRD [Village Meadows] Planned Residential Development District to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Hird said he would vote in favor of the rezoning because of the density and that it was an infill project.

Commissioner Blaser said he seconded the motion for the same reasons as stated by Commissioner Hird.

Unanimously approved 8-0.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 2 SPECIAL USE PERMIT FOR 12TH & HASKELL RECYCLE CENTER; 1000 E 11TH ST (SLD)

SUP-5-4-12: Consider a Special Use Permit for 12th & Haskell Recycle Center, located at 1000 E 11th Street. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brad Finkeldei, attorney for the applicant, agreed with the staff report. He said the City of Lawrence would abut the property on several sides. He said for any sounds that extended past the boundary line there would be conditions on the hours of operation, which did not exist at the current location.

PUBLIC HEARING

Mr. John McClure said he owns property next to this location. He did not want to be excluded from the final planning stage.

Mr. Michael Almon, Sustainability Action Network, considered this a watershed event. He appreciated the owner taking the legal route. He said this was a much better location but expressed concern about the environmental impacts. He said this location would still be close to residential neighborhoods. He felt the facility should be 100% enclosed within a building.

Ms. Melinda Henderson said she lives within 200' of the current location. She expressed concern about noise associated with crushing of cars and other metal objects and would like the applicant to look at noise barriers. She inquired about the location on the site plan where the crushing would take place.

Ms. Linda Klinker, Cans for the Community, supported the 12th & Haskell Recycle Center.

APPLICANT CLOSING COMMENTS

Mr. Finkeldei pointed on the map where the crushing would occur. He said a sound wall was discussed for the current location but the new location would have a massive stand of trees. He did not agree that all activities should occur inside and the Code does not require that.

STAFF CLOSING COMMENTS

Mr. McCullough said there were two primary uses on the property. He said a collection facility, by definition, was indoors and a permitted use. He said the secondary primary use was scrap and salvage operation, which was an exterior use. He said there were some use standards associated with scrap and salvage operations in terms of screening and pile height, but only when it was adjacent to a collector or arterial road. He said the new property would not have any direct road frontage and had plenty of natural landscaping. He said the Code did not require scrap and salvage to be contained within a building so the site plan was Code compliant at this point.

COMMISSION DISCUSSION

Commissioner Hird asked what Mr. McClure's building was currently used for.

Mr. McClure said mostly it was just used to store equipment. He said his concern was primarily the future property value. He said he was not concerned about the operation.

Commissioner Hird inquired about who monitored industrial sites for ecological impacts.

Mr. McCullough said scrap and salvage operations require a license from the Kansas Department of Transportation (KDOT). He said the Kansas Department of Health and Environment (KDHE) responds to complaints about different ecological concerns.

Commissioner Blaser inquired about the owner being responsible for maintaining the property.

Mr. McCullough said these were some of the issues that exist at the current location that had received complaints. He said they wanted to make it clear there was a higher level of enforcement with the Special Use Permit if it was highlighted in the conditions. He said the permit could be rescinded in the future if needed.

Commissioner von Achen inquired about the sanitary sewer analysis.

Mr. McCullough said they did not anticipate any issues with the sanitary sewer system but that it was required to make sure there was capacity in the City system.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve Special Use Permit, SUP-05-04-12, for a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11th Street Road, based upon the findings presented in the body of the staff report and with a recommendation for approval to be forwarded to the City Commission subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Provision of a photometric plan per 20-1103 of the Development Code for review and approval prior to the release of the site plan for issuance of a building permit.
3. Provision of a revised site plan to show the location and deed book and page reference for any easement dedicated to cover the private services lines that access the public infrastructure crossing separate parcels of land.
4. Provision of a DSSA for the proposed build-out condition of the property per the specifications of the City Utility Department in the form of a fixture count analysis.
5. A site plan note shall be added: "No open burning of junked, salvaged, or discarded materials shall be permitted."
6. The site plan shall be revised to reflect the required amount of 440 sq. ft. of interior landscaping.
7. The site plan shall note that the owner is responsible for maintaining the property, especially the perimeter fencing, in a litter-free manner.
8. The site plan shall note that the operation shall comply with all state and local solid and hazardous waste laws and standards, particularly as they relate to the removal of vehicular fluids.
9. The site plan shall note a restriction on the hours of operation for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows:

Monday through Friday: 8:00 a.m. to 6:00 p.m.

Saturday: 8:00 a.m. to 4:00 p.m.

Sunday: prohibited

Unanimously approved 8-0.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 3A ANNEXATION OF 15,960 SF; 240 N MICHIGAN ST (MKM)

A-5-3-12: Consider annexation of approximately 15,960 SF, located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

ITEM NO. 3B A & V-C TO OS-FP; 15,960 SF; 240 N MICHIGAN ST (MKM)

Z-5-8-12: Consider a request to rezone approximately 15,960 SF from County A (Agriculture) and County V-C (Valley Channel) to OS-FP (Open Space-Floodplain Overlay), located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

ITEM NO. 3C PRELIMINARY PLAT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)

PP-5-5-12: Consider a Preliminary Plat for Pump Station No. 15, a .3 acre, one-lot subdivision located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

ITEM NO. 3D SPECIAL USE PERMIT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)

SUP-5-6-12: Consider a Special Use Permit for construction of Pump Station No. 15, a *minor utility*, located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 3A-3D together.

APPLICANT PRESENTATION

Mr. David Lee agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Burger inquired about ways other pump stations have prevented access to children.

Mr. Lee said the panels were locked and the manhole cover could not just be lifted. He said they were secure as they could be in an open space.

Commissioner Burger asked if the platform was blocked.

Mr. Lee said there was no gate that would prevent someone from walking into the area.

ACTION TAKEN on Item 3A

Motioned by Commissioner Hird, seconded by Commissioner von Achen, to approve the requested annexation of approximately 15,960 sq ft and adjacent right-of-way and forwarding the request to the City Commission with a recommendation for approval.

Commissioner Burger said she would vote in favor of the motion but was somewhat concerned about the safety of the design and hoped it could be addressed if needed.

Mr. McCullough said he had not heard of any safety issues at any other pump stations. He said if there were they would certainly be addressed and made secure.

Mr. Lee said it was a fairly common design with the above ground pump station.

Commissioner Burger said she wouldn't be concerned if there was a fence around it.

Mr. Lee said there was no fence but that there was a railing that would go around the retaining wall.

Unanimously approved 8-0.

ACTION TAKEN on Item 3B

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the rezoning request for approximately 15,960 sq ft from A (Agricultural) District and County V-C (Valley Channel) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 8-0.

ACTION TAKEN on Item 3C

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Preliminary Plat of Pump Station No. 15.

Unanimously approved 8-0.

ACTION TAKEN on Item 3D

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve Special Use Permit, SUP-5-6-12, for Pump Station No. 15, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Applicant shall provide a revised site plan with the following changes:
 - a Addition of a note indicating that the Board of Zoning Appeals approved the requested variance, B-5-9-12, to allow a 10 ft side yard setback on the north property line subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.
 - b Provide dimension showing distance from control panel to north property line.
 - c Provide dimensions for the width and length of the retaining wall, and the height of the railing on the retaining wall.
 - d Correction of the impervious surface in the floodplain.
2. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit after a Floodplain Development Permit application has been submitted and approved

Unanimously approved 8-0.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 4 IG TO IL; 1.74 ACRES; 2645 HASKELL AVE (MJL)

Z-5-9-12: Consider a request to rezone approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. Submitted by Landplan Engineering, for Hedge Tree LLC, property owner of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

APPLICANT PRESENTATION

Mr. C.L. Maurer, Landplan Engineering, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Lamer, seconded by Commissioner Burger, to approve the request to rezone, Z-5-9-12, approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 5 RSO & CS TO CO; 6.87 ACRES; 2000 BLUFFS DR (MJL)

Z-12-00021: Consider a request to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive. DST Realty of Lawrence Inc, property owner of record. *Initiated by City Commission on 6/12/12.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

APPLICANT PRESENTATION

Mr. Chris Lemke, DST Realty, said there were no plans to change the current call center operations.

PUBLIC HEARING

Mr. Bryan Engel, attorney representing the proposed purchaser of the property, said the reason for the rezoning request was that if there was damage to the building, such as a fire, they would not be allowed to rebuild without going through the rezoning or variance process.

COMMISSION DISCUSSION

Commissioner Hird asked if there were any plans to develop the piece of property south of the access road.

Mr. Lemke said there were no plans to change any of the buildings or to develop anything out.

Ms. Leininger said if there were any changes to the site it would go through the site planning stage which would be administratively approved.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to approve the request to rezone, Z-12-00021, approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial Office) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 7/23/12 **DRAFT**

ITEM NO. 6 PRELIMINARY PLAT FOR GATEWAY ADDITION; 880 HWY 40 (MKM)

PP-5-6-12: Consider a Preliminary Plat for Gateway Addition, located at 880 Hwy 40 (NW quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Landplan Engineering, for Hanover Place, L.C. and Tanglewood, L.C., property owners of record.

Item 6 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 VARIANCE FOR ST JOHN CATHOLIC CHURCH (MKM)

Variance associated with Minor Subdivision for St John Catholic Church, (MS-5-8-12), from the 60 ft right-of-way requirement in Section 20-810(e)(5) for local streets to allow the right-of-way to remain at 50 ft.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Liese asked if the map had the old names of the streets.

Ms. Miller said yes.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Britton, to approve the variance requested from Section 20-810(e)(5) to allow the Vermont Street right-of-way in this location to remain at 50 ft, rather than the 60 ft required by Code.

Unanimously approved 8-0.

Consideration of any other business to come before the Commission.

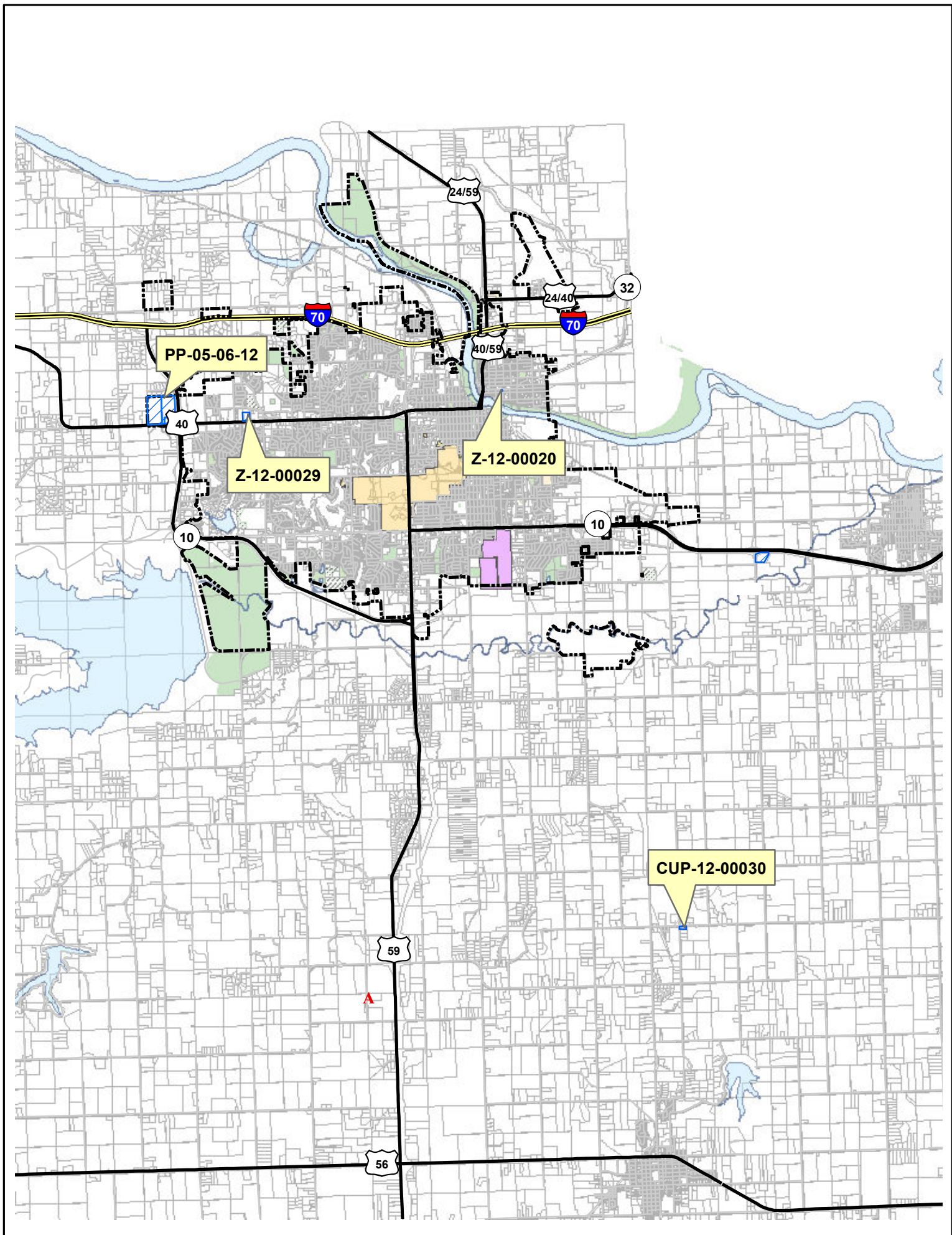
Commissioner Culver said the Mid-Month calendar was updated to include topics for upcoming months.

ADJOURN 7:53pm

2012
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11	"Planning for Planning: What we need to do at our upcoming orientation."		Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13			Jun 25	Jun 27
Jul 13	PC Orientation – all day Friday		Jul 23	Jul 25
Aug 8	Legal Review – Start at 8:00AM		Aug 20	Aug 22
Sep 12	Comprehensive Plan – What’s it all about & review of Goals and Policies		Sep 24	Sep 26
Oct 10	Development Review Process	Elements of a Site Plan	Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>KDOT 5-County Regional Transportation Study</i> <i>US40/K-10 Area Transportation Plan</i> <i>Water/Wastewater Master Plan Update</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 7/20/12



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item
Joint Hearing with Baldwin City Planning Commission

PC Staff Report
8/20/12

ITEM NO. 1: CONDITIONAL USE PERMIT FOR CREEKWOOD LAWN; 1753 N 700 (SLD)

CUP-2-1-12: Conditional Use Permit request for a truck storage facility for Creekwood Lawn, located at 1753 N 700 Road. Submitted by Shelby Franklin, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for a Truck/Equipment Storage Facility and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report, and subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit shall expire on December 31, 2017."
2. Provision of a revised site plan to include the following changes:
 - a. Show proposed electrical service to the existing building.
3. The applicant shall obtain from Douglas County a building permit as a condition of continued operation.
4. The applicant shall provide a revised site plan drawing to include the following information:
 - a. The limits of the floodplain need to be clearly shown and labeled on this site plan.
 - b. Note identifying the base flood elevation.
 - c. Note listing the floodplain panel number.
 - d. Note showing the current effective date (08-05-2010).
5. The applicant shall obtain from Douglas County a local floodplain development permit.
6. The applicant shall provide the following information for submission to the State Historic Preservation Officer:
 - a. Cover letter requesting review by the SHPO under K.S.A. 75-2724
 - b. Written description of the project
 - c. Location map showing the listed property and the location of the project
 - d. Photos of the site and photos of the view to and from the listed property.

Attachments:

Attachment A: Area Map

Attachment B: Site Plan

Attachment C: Historic Map overlay

Attachment D: Floodplain Boundary Map

Reason for Request: *To store my equipment/trucks for my business*

KEY POINTS

- Existing operation with previous CUP.
- Conditions of approval of original 2003 CUP not met. CUP included time limit that would expire in February 2013.
- Site includes existing building used for the purpose of storing equipment.
- Property is located within 1000' of a designated historic resource. Approval required by State

Historic Preservation Office.

- Local Floodplain Development Permit is required for this property.

DESCRIPTION OF USE

This property is used for storage of trucks, equipment and materials related to a landscape business. Site activity includes some exterior storage. The purpose of this request is to accommodate the storage of vehicles and equipment as allowed, with a Conditional Use Permit, in the A (Agricultural) District.

The existing building was originally constructed as an agriculture building and exempt from building inspection review. The applicant is requesting the addition of electrical service to the building as part of the site improvements. The use of the building based on County Inspection Staff notes that this building does not meet the agricultural exemptions and therefore must be upgraded to comply with minimum building codes.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioner's approval of the Conditional Use.
- Release of Conditional Use Permit by the Douglas County Zoning and Codes Office.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

I. Zoning and uses of Properties nearby

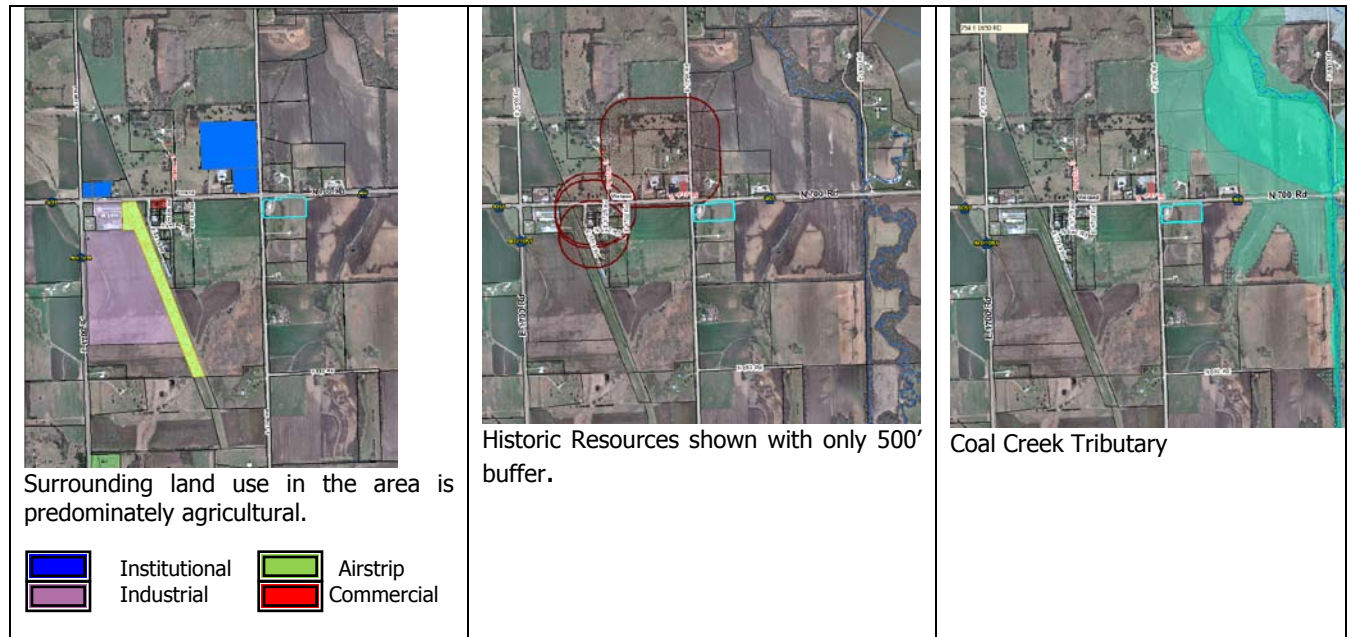
Current Zoning and Land Use: A (Agricultural) District; existing building and exterior storage on 3.87 acres

Surrounding Zoning and Land Use: A (Agricultural) District in all directions. Rural residential homes located along township roads.

- Public school and Vinland Fairgrounds located to the northwest.
- Rural residential homes along the north side of N 700 Road to the north and along E 1750 Road to the south.
- Agricultural field to the east and west.

II. CHARACTER OF THE AREA

The property is located within 3 miles of Baldwin City and within the Vinland community of Douglas County. This unincorporated portion of Douglas County includes predominantly rural residences clustered along the County roads. However, the area also includes McFarlane Aviation, a manufacturing business, a private grass air strip, and several other non-residential uses in the immediate area. Several properties in the area are also of historic significance. The subject property is located within 1000 feet of a designated historic building (the Vinland Fair Grounds Exhibit Building). As such this property is subject to review by the State Historic Preservation Office. This requirement is reflected as a condition of approval. Additionally, the property is encumbered by a portion of the floodplain of the Cole Creek Tributary. A local floodplain development is therefore required.



Staff Finding – This portion of Douglas County includes a rich variety of uses and activities. The area is within 3 miles of Baldwin City but is identified as Vinland, an unincorporated town in Douglas County. The overall character of the area is rural with a mix of rural residential homes on smaller lots and larger agricultural tracts in the immediate area. The area includes several historically listed buildings and properties as well as extensive floodplain generally located west of E 1750 Road.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response: *"The property is perfectly suitable for my needs."*

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural or rural residential use will not be altered. The subject property is located within the community of Vinland and within 3 miles of Baldwin City. The subject property area is zoned for agricultural uses. The subject property is 3.8 acres and consistent with the rural residential development pattern for parcel sizes in this area.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The subject property includes a storage building but no residence. The structure was constructed as an agricultural building; therefore no building permit was issued. The original CUP was approved by the Planning Commission on January 22, 2003. The County Commission approved the CUP on February 24, 2003. The primary activity of this site is as a storage facility for an existing landscape business.

Staff Finding – The subject property is developed with an existing storage building for machinery equipment. The County Zoning Regulations were adopted in 1966, this property has been zoned "A (Agricultural)" since that time.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: *"Not asking for any removal of restrictions. Just asking to be able to store equipment so I can continue running a business in Douglas County."*

Section 12-319-1.01 of the County Zoning Regulations recognize that *"Certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use is included in Section 12-319 Supplemental Use Regulations – Conditional Uses – Temporary Uses.

-4.24 Conditional Uses Enumerated, of the County Zoning Regulations listed as a *"truck storage facility"* use. The Regulations describe a truck storage facility as follows:

12-319-4.24. Truck storage facility ancillary uses, open or enclosed, provided that wholesale and retail sales not be permitted on the premises. Open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and adjoining properties.

The existing building has been used for equipment storage of the applicant's lawn service business. The plan shows an area for external storage of mulch and an area for vehicle (employee) and equipment storage along the west side of the property.

Notes on the face of the plan address the limitation of the use to the storage of equipment and materials for the lawn care business. Storage of equipment for other purposes is prohibited. This plan shows screening to be added to the site along the south side to address the standards of the use stated above. The existing vegetation along the west property line provides adequate screening. This area also includes floodplain. The site plan shows that the storage areas are outside of the floodplain areas. Adequate measures have been taken to prevent detrimental impacts to adjacent properties.

Approval of the CUP will provide an opportunity for the applicant to be compliant with the minimum zoning regulations and standards. As a Conditional Use Permit, the issues of screening and buffering to reduce undesirable impacts such as noise and view on residential properties to the south can and should be provided.

Staff Finding – Approval of this request will not detrimentally impact adjacent property owners so long as adequate screening is maintained.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response: *"There will be no destruction of value in the property. It will be a usable building with landscape screening."*

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect of denial on the individual landowner. If the request were denied, the existing business would be required to relocate to a commercial or industrially zoned location.

The impact to the existing building would be significant in that the investment could not easily be reused except as a strictly agricultural use or with the construction of a residence as a primary use.

Approval of the subject property neither directly benefits the community nor harms the public health, safety and welfare, as the underlying A (Agricultural) zoning district is unchanged. However, approval allows an existing business to remain in Douglas County. The impact of the use for storage of lawn equipment is comparable to other similar requests for truck storage facilities.

Staff Finding – There is no significant gain to the public's health, safety and welfare by permitting the continued use as a Conditional Use Permit. The underlying A (Agricultural) zoning remains unchanged. Denial of the request would prevent the applicant from continuing to operate a business from this location. Approval of the request benefits the applicant by allowing continued operation the business.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"My wife and I still plan on building a home so I do not believe it conflicts with the plan."*

The subject property is not located within the identified Baldwin City Urban Growth boundary. The property is however, located within 3 miles of the city limits of Baldwin City. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. **Horizon 2020** encourages the support of local businesses to *"ensure their retention and to facilitate expansion plans for the future."* Industrial uses are directed to urban areas where services such as sewer, water and transportation options are available. **Horizon 2020** does not address conditional use permits as a tool to achieve specific policies.

Staff Finding – The Comprehensive Plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

STAFF REVIEW

Joint Hearing

County Resolution No 80-5 established the policy that a joint hearing be held for requests within 3 miles of the incorporated cities in Douglas County so that the County Commission would have the benefit of both Planning Commissions' recommendations. A joint meeting is being held between the Lawrence/Douglas-County Metropolitan Planning Commission and Baldwin City Planning Commission. Both recommendations will be forwarded to the Board of County Commissioners.

Site Summary:

Subject Property: 3.8 acres
Existing Building: 2,400 SF (40'x 60')

Off Street Parking Required: 1 space per two employees—[No on-site employees]
Employees leave personal vehicles on site while business vehicles are taken to specific job sites.
28' by 23' space provided for employees parking – approximately 3 spaces are provided.

STAFF REVIEW

The subject property is located in the southeast portion of Douglas County within the Vinland area. The original 2003 application was the result of a change in the County Zoning Regulations relating to Home Occupations. This business could not operation as a home occupation since there was an accessory building on-site without a primary residential structure.

The existing building has never had an inspection because it was constructed under the Agricultural Building exemption. The applicant has indicated to County Staff that he would like electrical service extended to the building. A Douglas County inspector visited the site and did a cursory review of the building, notifying the applicant of additional information needed to bring the building into compliance with minimum building codes. The building is not an “agricultural building”. As a condition of approval, staff recommends the applicant obtain a commercial building permit for the existing structure and that the building be improved to meet current code requirements.

Approval of this request would allow a “commercial type business” within an existing rural area. The subject property is not located within any urban growth area. It should be noted that if the applicant resided on this property, this use may qualify as a Home Cccupation and a CUP would not be required.

Setback Requirements - Building setback requirements for the “A” District are as follows:

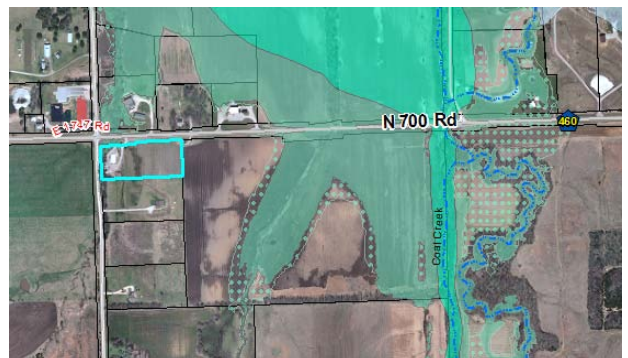
- Front Yard - 50’
- Side Yard - 15’
- Rear Yard - 50’

Setback requirements are measured from the property lines. The building is accessed from N. 700 Road. The existing structure complies with the minimum yard requirements. The subject property is described by metes and bounds; it is not a platted property. The storage areas are generally setback from the west property line 15’ or more. Additionally since this area is encumbered by regulatory floodplain staff required the applicant to show that the storages areas were also located outside of the floodplain.

Access to the site - Specific access to the site is provided via a driveway from N. 700 Road. No changes to the existing access are proposed with this application.

Screening and Outdoor Storage- The site plan drawing shows that the area is substantially screened by dense vegetation along the county roadways. Additional screening has been added to the site to screen the exterior areas from adjacent property to the south and east.

Floodplain-As noted in the description of the neighborhood above, a portion of this property is encumbered by the regulatory floodplain of Coal Creek. There is no floodplain development permit for this property. From the site plan and visual inspection by Douglas County inspection staff, it appears that development of the site has occurred outside the limits of the floodplain. Prior to the adoption of the August 2010 FEMA maps, the property was not in the regulatory floodplain.



If new development or changes to the existing site are proposed, the applicant will be required to make application for a floodplain development permit. Additional information should be added to the site plan to reference the regulatory floodplain that encumbers this property. This plan was not prepared by a surveyor or engineer. Any future changes to the site shall require a detailed survey of the site. Staff recommends the site plan be revised to provide the necessary floodplain references and notes on the face of the drawing.

Time Limit -This use is clearly a business, not an agricultural use. The existing building is not used for any agricultural purpose. This property has been the subject of zoning violations and complaints from nearby residents. This request is intended to address compliance issues as a new Conditional Use Permit and address complaints by the addition of berms and screening along the south side of the property. Staff recommends, based on comments from the Douglas County Zoning and Codes office this approval be limited to 5 years at this location. If the applicant wishes to continue or intensify the use (e.g. include a business office) then an appropriate commercial or industrial zoning district would be required or the business would need to be relocated to an appropriately zoned property.

A Conditional Use Permit with a time limit is recommended to expire on one of two dates to allow better administration of enforcement by County Staff. These date ranges are:

- January 1/December 31 or
- June 30/July 1.

Staff recommends this CUP expire on December 31, 2017. This time limit is intended to provide the applicant adequate time to resolve the existing violations and make permanent arrangements for the continued operation of this business.

Conclusion

A Conditional Use Permit does not allow the range of uses found in commercial or industrial districts. Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements.

This use could have existed as an extension of a Home Occupation if a single-family residence was already constructed on this property. The applicant has indicated a long term plan to establish a residence on this property. There is no benefit to denial of the request for the application. This would result in the relocation of the business to another commercial or industrially zoned location. The benefit results in the continued operation of a local business. The access to the property is immediately adjacent to a paved road and county highway network. There is no public harm in approval of the request.

All vehicles and equipment are intended to be stored within the existing building or in designated areas on the site. It is assumed that only minor maintenance of these vehicles will also be provided within this building.

This Conditional Use Permit (CUP-12-00030) would allow the continued operation of an existing landscape business in Douglas County for a limited time.

CUP-12-17-02

- * When employees are not working, there are company trucks in those spaces. *
- * Mulch is not stored year round, I bring it in for spring and then again for fall *
- * We dump a majority of our grass clippings + brush at the city compost, we report monthly to Cassander Ford *

Legal Description

5.01 A 15-14-20 Brg w NW Cor
NE 1/4 TH N 89° 40' 7" E 597.25' SD PT
Bring on N Line NE 1/4; TH S 0° 3' 9" E
602.17 PT Ins 89° 40' 7" W 597.25' SD PT
Bring on W Line NE 1/4; TH S 0° 3' 9" W 602.17' to Pt Brg, Less 5.01 A 0804/39
1 NW 35' (Div 2003 7001103)

Contour line (2' elevation intervals)
Parcel Ownership Boundary
August 5, 2010 FEMA Flood Maps
500 YEAR, 0.2 PCT ANNUAL CHANCE
100 YEAR, ZONE AE

Drawing prepared by Lawrence-Douglas County Planning and Development Services Department
Aerial Photo was flown in the spring of 2009
June 7, 2012

DISCLAIMER NOTICE

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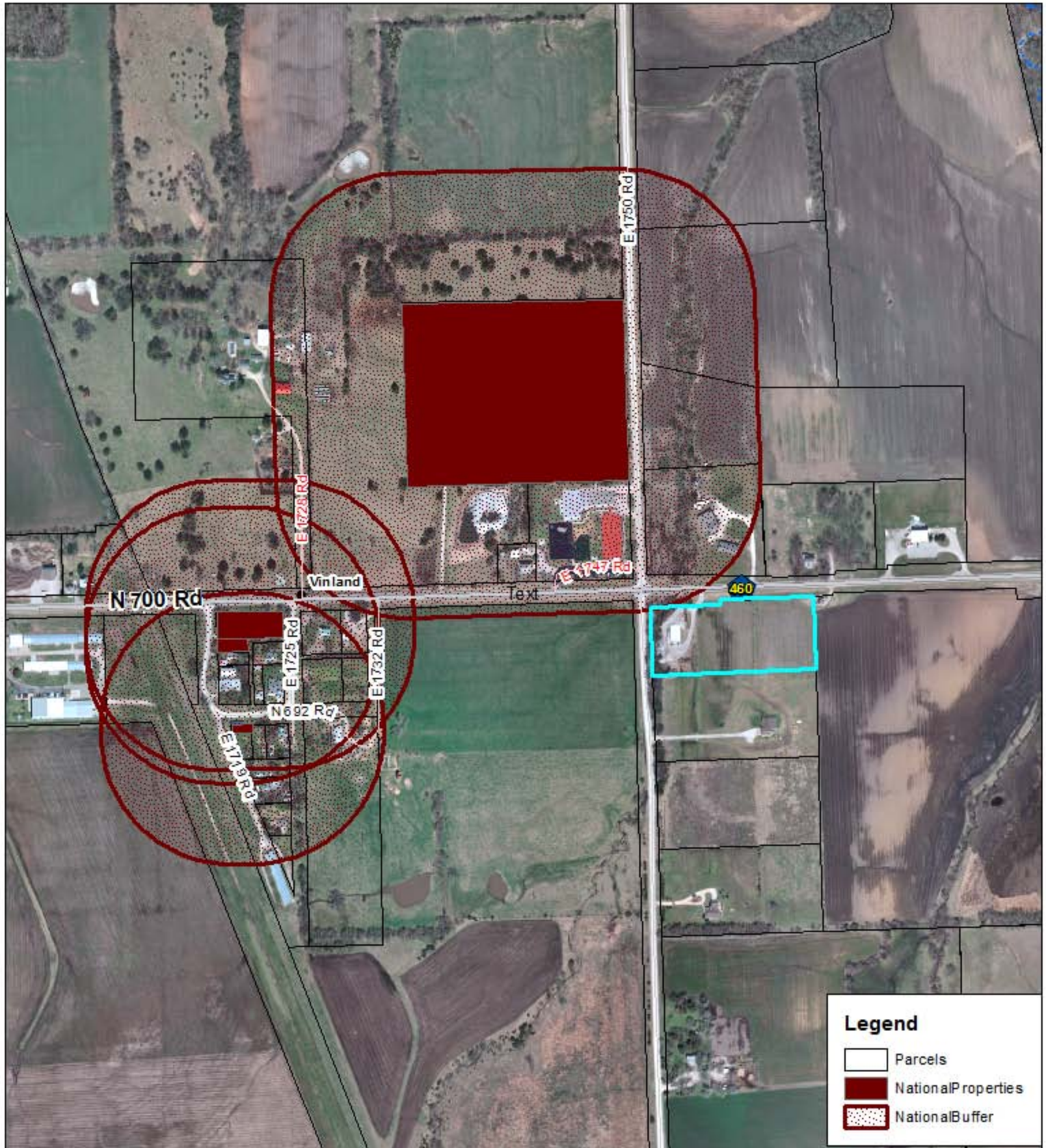
30 15 0 30 60 90 120 Feet

1 inch = 30 feet

Date: 6/7/2012

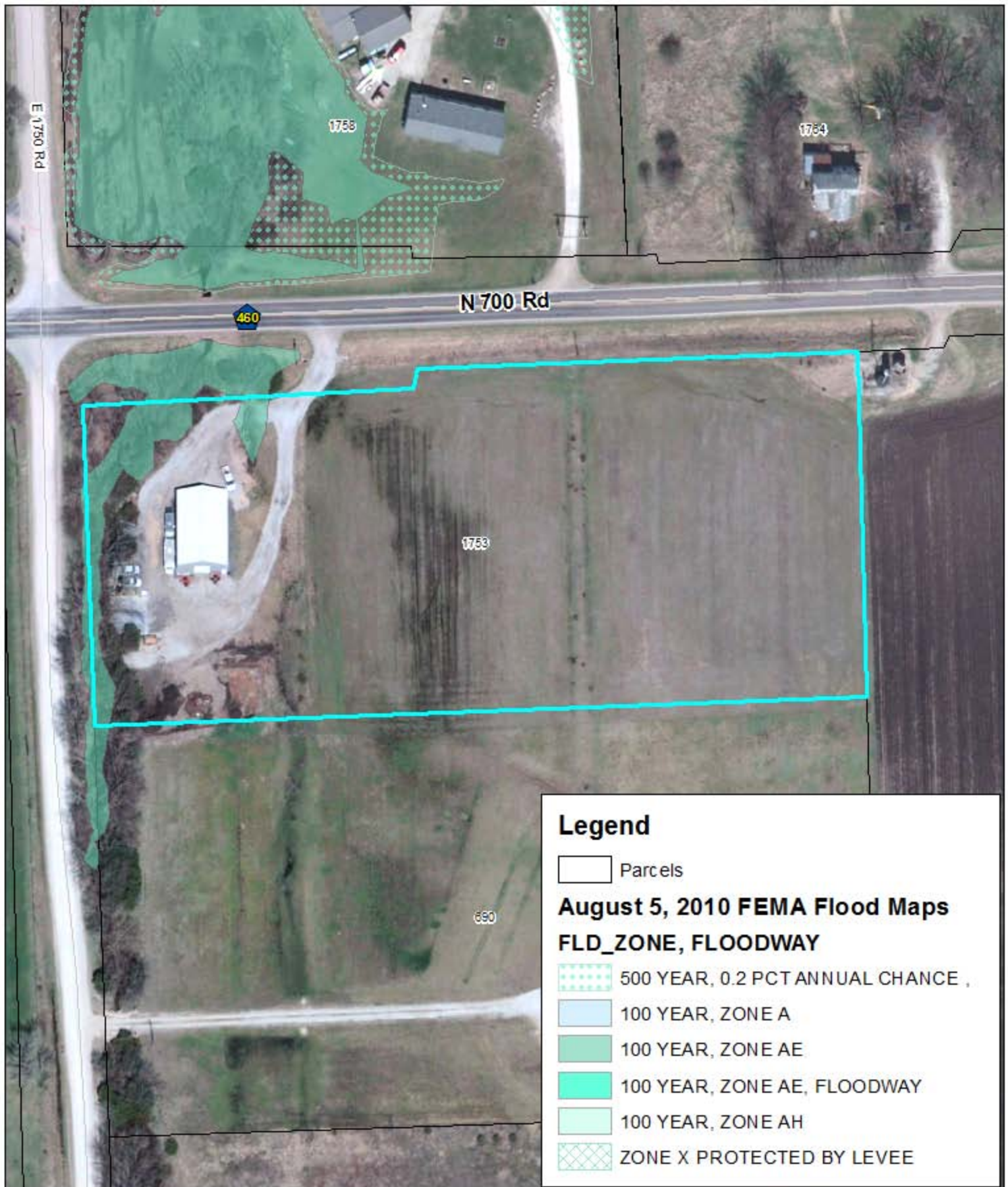
Historic Resources Boundary Map

Vinland Fair Association Fairgrounds Exhibit Building



Note: State Review Boundary is 1000'

Floodplain Boundary Map



50 25 0 50 100 150 200 Feet

1 inch = 102 feet

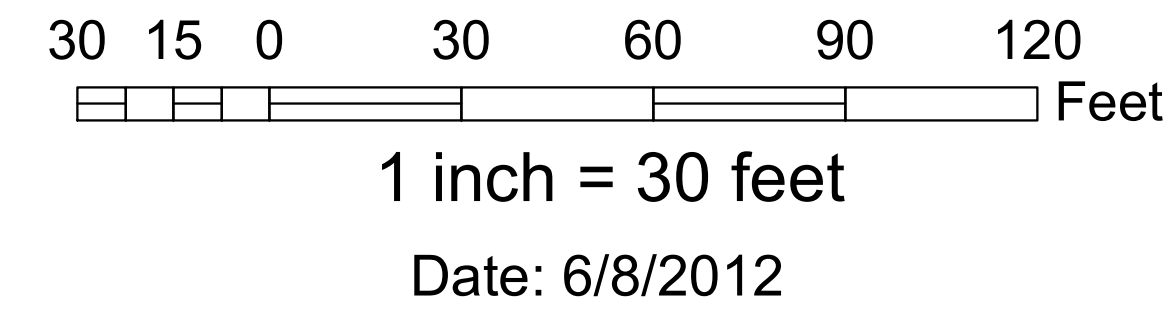
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Date: 8/16/2012

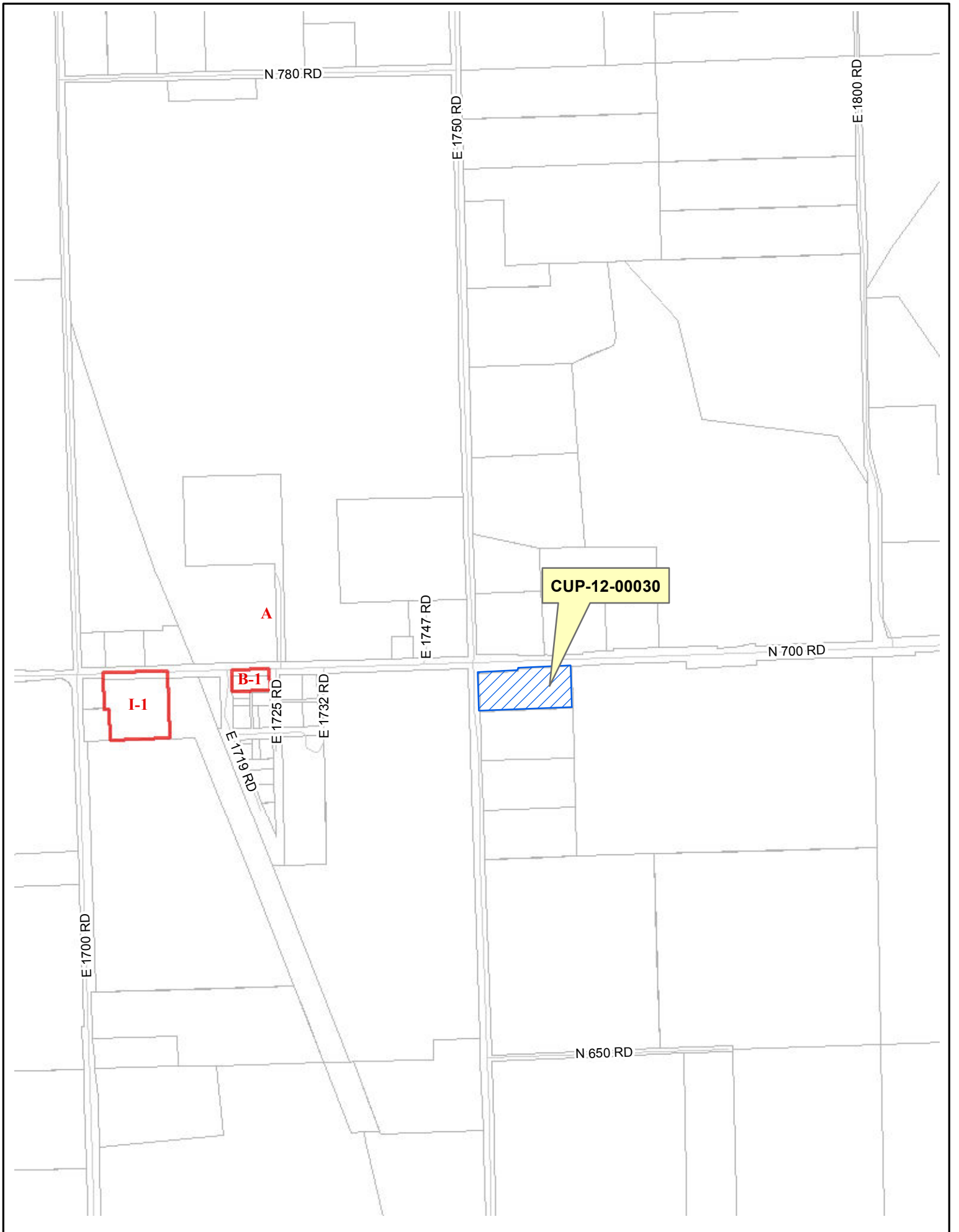
Shelby D. Franklin Property,
1753 N 700 Road
Baldwin City, KS

General Notes:
a. Topography shown on 2' intervals
b. Employees shall not work on property except to pick up, drop off and or service vehicles, equipment and/or machinery
c. Portajohn on west side of building serviced by A-1
d. Water is the only utility on the property
e. Dimensions of adjacent roadways shown
f. The approved use for this site is an interior equipment storage facility for vehicles and all related lawn care machinery. Repair and/or services stored vehicles and/or all related lawn care machinery other than that necessary for standards maintenance/upkeep is prohibited.
g. Any exterior storage of material shall be located completely screened per section 12-319-4.31 of the County Zoning Regulations.
h. The addition of exterior storage of materials shall first require a revision to the site plan portion of the CUP
i. Existing landscaping shown, berm shown is in the process of being completed and will be planted with evergreen trees for screening in September/October 2012.
• When employees are not working, there are company trucks in the spaces
• Much is not stored year-round. Large deliveries are madetot the site for spring and fall.
• The majority of grass clippings and brush are dumped at the City Compost facility, we report monthly to Cassandra Ford.
Legal Description:
Legal Description: 5.01 Ac., S15-T14-R20 beginning at the north west corner of the NE 1/4 TH N89DEG40'07"E 659.23 FT,SD PT BEING ON N LINE NE 1/4;TH S 0DEG03'09"E 662.1 FT THS89DEG40'07"W 659.23 FT,SD PT BEING ON W LINE NE 1/4;TH N 0DEG03'09"W 662.1 FT TO PT BEG,LESS 5.01A D 804/391 WW35 (DIV2003 7001168)



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Drawing prepared by Lawrence-Douglas County Planning and Development Services Department
Aerial Photo was flown in the spring of 2009
June 7, 2012



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
8/20/2012

ITEM NO. 2 IG TO CS; .25 ACRES; 444-446 LOCUST ST (MJL)

Z-12-00020: Consider a request to rezone approximately .25 acres from IG (General Industrial) to CS (Strip Commercial), located at 444 - 446 Locust Street. Submitted by Tiburcio J. Reyes Sr., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .25 acres, from IG (General Industrial) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *To be able to obtain a liquor license. (to make the property conforming)*

KEY POINTS

- These properties have always been developed with commercial uses.
- Commercial uses are in conformance with the *Horizon 2020* Future Land Use Map.
- The properties' nonconforming status is the result of code changes over time.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- None

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Page map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is to rezone properties located at the southwest corner of Locust and N. 5th Streets, 444-446 Locust Street, which is developed as a restaurant use. These properties have been developed with a commercial uses at least since 1883 according to Sanborn Maps when the properties were developed with a grocery store, hotel and a dwelling. Since the implementation of zoning in the city, the south side of Locust Street has been zoned industrial. In previous codes, the permitted uses were cumulative meaning that uses were permitted and so were most of the lesser intensive uses. For example, if the property was zoned for industrial uses, those and

commercial and residential were permitted. This is not the case in the current code. The IG District does not permit a restaurant use. The property owner would like to obtain a liquor license and it is not possible with the property being nonconforming. The properties to the east across N. 5th Street are currently zoned CS District. This zoning would be an extension of that district in order to make the property conforming.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This building has functioned as a commercial property since 1958.*

Staff Discussion: *Horizon 2020* identifies the south side of Locust St. as Office and/or Commercial use on Map 3-2 Lawrence Future Land Use.

Chapter 6 – Commercial Land Use does not mention this corridor with the exception of the intersection of N. 7th and Locust St. as an Inner-Neighborhood Commercial Center though this area would meet the intent of the Inner-Neighborhood Commercial Center. Goal 1 in Chapter 6 – Commercial Land Use is to “Encourage the retention, redevelopment and expansion of established commercial areas of the community”. This area has always had a mix of commercial uses and this rezoning would help to protect the historical commercial area and make the zoning consistent with the use.

Staff Finding – These properties are in conformance with the future land use map and by rezoning, will help to meet Goal 1 in Chapter 6 to retain existing commercial areas.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: IG District; Developed with a restaurant use

Surrounding Zoning and Land Use: North: IG District; Developed with railroad

East: CS District; Developed with a mixed use structure

West: IG District; Vacant property & restaurant

South: RS5 (Single-Dwelling Residential) District; Single-dwelling structures



Staff Finding – The area is a mixture of residential and commercial uses along railroad right-of-way. This area has historically been this mix of uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Residential, commercial and industrial*

Staff Discussion: The character of the neighborhood is a mix of residential, industrial and commercial uses.

Staff Finding – The character of the neighborhood is a mix of uses.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Discussion: The subject property is within the North Lawrence Improvement Association neighborhood though the neighborhood does not have a current neighborhood plan.

Staff Finding – There are no adopted plans for this area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: Property has been used commercially since 1958. Current regulations restrict owner to improve business and increase profits.

Staff Discussion: The properties have always been developed with commercial uses. Previous codes permitted most of the lesser intensive uses in districts and that is no longer the case in the current code. This caused the existing commercial uses to be nonconforming. It is more appropriate to zone the subject properties to a commercial district, making the property conforming.

Staff Finding – The subject property has been developed with commercial uses since at least the late 1800s. The current code restricts the property to industrial uses which does not permit restaurant uses. The zoning is not suitable for the use.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: Property is not vacant.

Staff Discussion: The city has records in the way of Sanborn Maps from 1883 which shows the properties developed with a grocery store, hotel, and dwelling.

Staff Finding – These properties was developed before 1883 and has been developed with commercial uses since.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: There will be no detrimental effect to surrounding property owners.

Staff Discussion: These properties have been commercially developed for a very long time. The potential effect to the nearby properties could be if the property were to intensify the use with the addition of a liquor license. There are other commercial properties in the area that serve liquor.

Staff Finding – This rezoning will not detrimentally affect nearby properties as they are already developed with a restaurant use.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: Rezoning this property will allow the property owner to improve business. The property south east of 500 Locust has recently been rezoned.

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

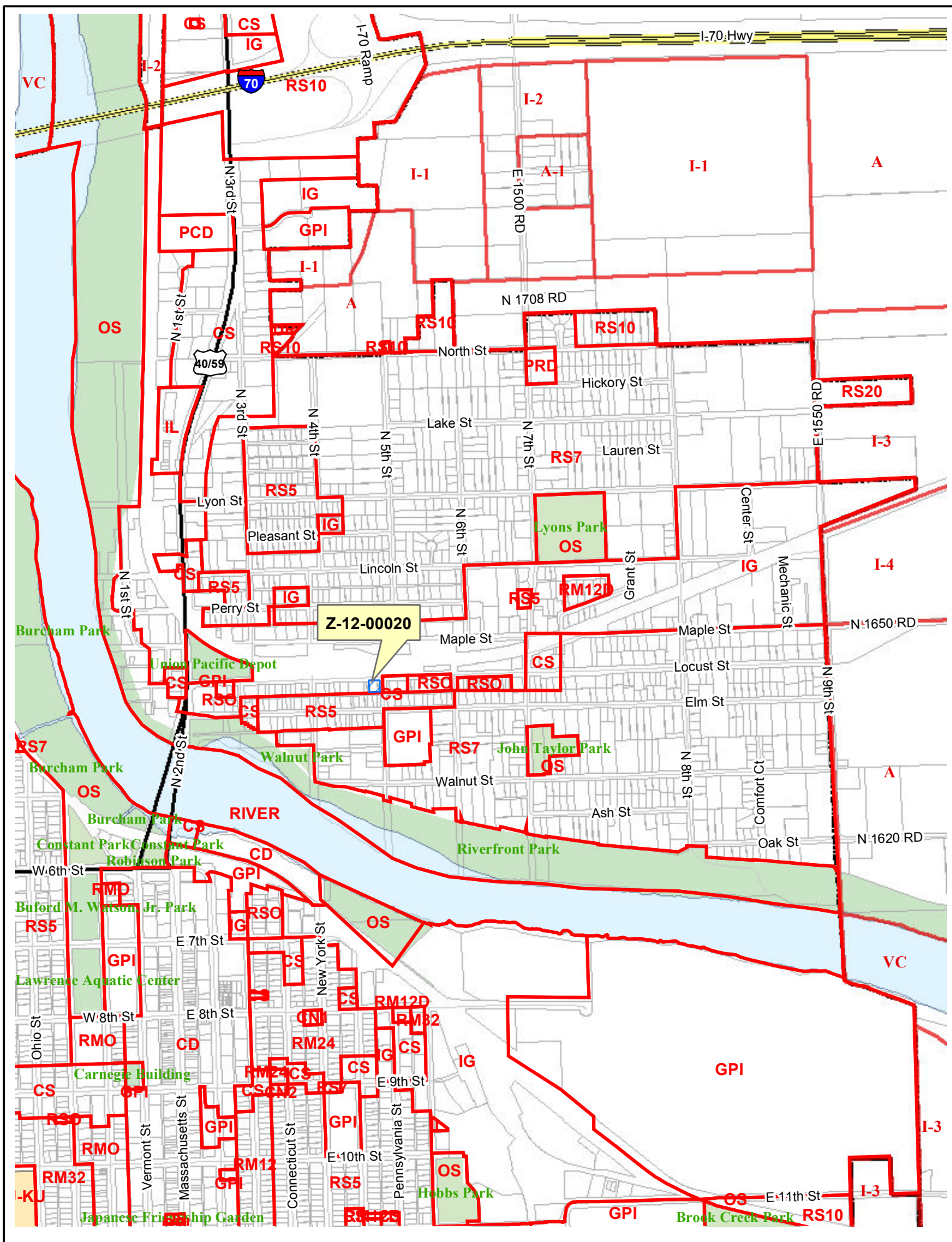
Staff Discussion: The denial of this application would limit the property owner to a cereal malt beverage license and the properties would continue to be nonconforming. Both of these things

could cause a hardship on the property owner's business. The denial could limit the intensification of the property by limiting the potential for the owner to obtain a liquor license.

Staff Finding – The gain to the public would be that the property owner could not obtain a liquor license. The hardship to the property owner would be that the property would remain nonconforming and the business would not be allowed to expand their alcohol license and potentially grow their business.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject properties are currently zoned for industrial uses and have always been zoned industrial though the properties have always been developed with commercial uses. Under previous codes, most lesser intensive uses were permitted in the districts. In the current code, this is not the case causing the subject properties to be nonconforming. Nonconforming status on a property can cause issues with lending. The property owner also would like the opportunity to obtain a liquor license and this cannot be issued with the current nonconforming status. There is existing CS District zoning to the east of the subject properties where similar nonconforming situations have been addressed with zoning changes. This would be an expansion of that district though it would be zoning these properties to permit the existing use.



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
8/20/2012

ITEM NO. 3: PRD & CO TO RM24; 11.93 ACRES; 525 CONGRESSIONAL DRIVE (Multi-Dwelling Residential) District (SLD)

Z-12-00029: Consider a request to rezone approximately 11.93 acres from PRD (Planned Residential Development) [PD-Village Meadows] and CO (Office Commercial) to RM24 (Multi-Dwelling Residential), located at the northwest corner of W. 6th Street and Congressional Drive and currently addressed as 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties LLC, property owner of record. **SLD**

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 11.93 acres, from PD [Village Meadows]-Planned Residential Development District and CO (Commercial Office) to RM24 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The reason for this rezoning request is to provide a high-density residential development between existing and proposed commercial to the east and south, and the proposed RM15 zoning to the north.*

KEY POINTS

- If approved, proposed zoning district boundary will be consistent with Minor Subdivision [MS-12-00014].
- Portion originally zoned PRD-2 [Z-8-30B-01] intended for multi-dwelling development restricted to maximum density of 15 dwelling units per acre.
- Complies with *Horizon 2020* policies for locating higher density residential development as a transition use from more intensive land uses, or located at the intersection of major streets

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-4-5-01 Annexation.
- Z-8-30B-01; A to PRD [20 acres] approved by the City Commission on 10/23/01.
- Wakarusa Place Addition original Plat.
- Preliminary Development Plan for 6Wak Apartments approved by City Commission on 3/9/04.
- Z-8-32-01; A to O-1; 5.9 Ordinance No. 7473 approved by the City Commission on May 14, 2002. This portion became CO upon adoption of the Development Code in 2006.
- UPR-09-03-04; mixed residential including independent living units and extended care facility—expired.
- PF-4-6-07; Village Meadows a replat of Wakarusa Place Addition.
- Z-7-20-11; Original Request PRD to CC200 (12.9 acres) and RM15 (5 acres) -- [Lowes]. Replaced by revised request for 6 acres PRD to RM15; recommended for approval by the Planning Commission on 7/23/12 and approved by the City Commission on 8/7/12.
- MS-12-00014; Minor Subdivision created two lots.
- Z-12-00028; 1.05 acres; CO to CN2 [portion of original 20 acres] – withdrawn by applicant.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning

- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Area Map
- Northwest Plan land use map overlay

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received to date.

Project Summary:

This proposed request is for rezoning of 11.93 acres from a Planned Residential District and Commercial Office District to a conventional multi-dwelling district to accommodate high-density residential development.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 states, "high-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre is recommended at selected locations near high-intensity activity areas or near existing high-density residential development. Pg-5.5" the subject property fits Horizon 2020's description for the appropriate location of RM24 zoning by being adjacent to and near many existing activity areas and high density residential developments. In addition, the area is served by major roadways making the site easy to access.*

Horizon 2020 and various area plans provide land use recommendations for this area. *Horizon 2020* supports infill development over new annexation. Approval of the request would facilitate development of this property. The plan recommends high-density development in areas that maximize the use of existing infrastructure (Residential Policy 1.4, Page 5-24).

The Plan recognizes the need to provide appropriate land use transition (Residential Policy 1.3, Page 5-23). Intensive uses are anticipated along arterial streets and at intersections that include intensive non-residential uses, such as W. 6th Street and Congressional Drive. *Horizon 2020* defines high density to 16-21 dwelling units per acre. The existing zoning code designations accommodate a higher density than what is defined in the Comprehensive Plan. Within the Development Code both the RM24 and the RM32, zoning districts are identified in section 20-201 as corresponding with the Comprehensive Plan for high-density development.

Development impacts can be offset with larger areas dedicated to greenspace throughout a particular development. This type of development concentrates the activity in one area leaving open another area. Since the Northwest Plan's adoption in 1997, additional areas have been donated/acquired for open space throughout the area in excess of the original allotment. This publically dedicated open space helps to offset the higher density in the area. The areas north of Overland Drive tend to be lower than the recommend density while areas closer to W. 6th Street tend to be higher than the recommended density.

Staff Finding – The proposed request is consistent with the principles of land use transition along arterial streets and intensive non-residential development and lower intensity areas.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

- Current Zoning and Land Use: PD-[Village Meadows] Planned Residential Development and CO (Commercial – Office) District; undeveloped land. Maximum Density allowed for this PRD is 15 dwelling units per acre.
- Surrounding Zoning and Land Use: North of Overland Drive: PRD-[Parkwest] Planned Residential Development; Camson Villas east of Eisenhower, Park West Gardens, west of Eisenhower Drive, existing multi-dwelling developments. OS (Open Space) District to the north; future undeveloped park.
- Pending RM15 (Multi-Dwelling Residential) District to the immediate north along the south side of Overland Drive.
- South side of W. 6th Street: RMO (Multi-Dwelling Residential-Office) District to the south. Existing apartments for residents 55 years and older and vacant lot.
- East side of Congressional Drive: OS (Open Space) District and PD-[6Wak] Planned Commercial Development to the east. Wal-Mart, detention pond and vacant commercial pad sites.
- To the west: UR (Urban Reserve); undeveloped land.

Staff Finding – This request is surrounded by a variety of land uses and development intensity uses include multi-dwelling and commercial uses.

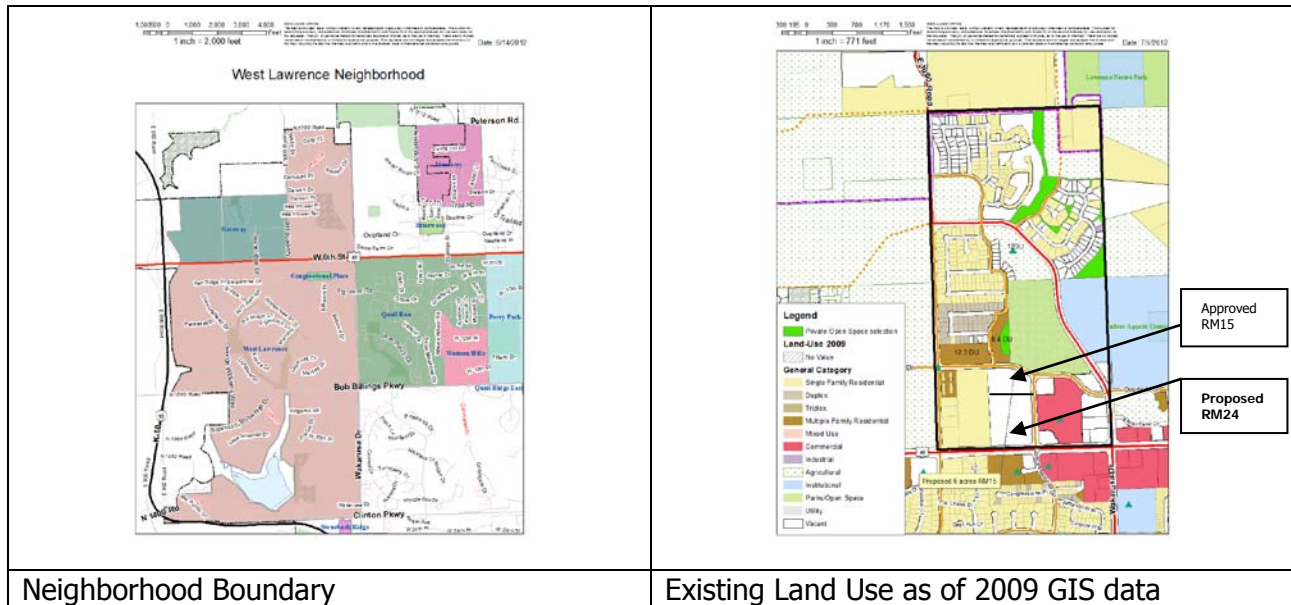
3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The character of the neighborhood consists of medium to high density residential to the north and west with a portion of UR zoning directly west of the subject property. The area is further defined by commercial zoning to the south and east with Open Space zoning to the northeast. This is a thriving residential and commercial area of Lawrence served by the surrounding collector and arterial streets.*

The property is located within the West Lawrence Neighborhood. This neighborhood, by far, is the largest in the City with more than 1,800 acres. The neighborhood includes area north and south of W. 6th Street. The property is within a half mile of the Lawrence Free State High School Campus. The property is also within a quarter mile of commercial uses.

Residential uses dominate the neighborhood north of Overland Drive. Commercial uses are contained to the east of Congressional Drive. Major portions of the street network have been constructed in this area with collector and arterial street designations established.

The area is developing in a form consistent with the planned land uses described in the *Northwest Plan*. Density is concentrated along W. 6th Street with much lower intensity development farther north. The area is developing with more dedicated open space that originally designated in the Plan.



Staff Finding – Residential uses dominate the character of the neighborhood. Higher-density residential uses are located along W. 6th Street and transition to lower density to the north and toward the Wakarusa and W. 6th Street intersection.

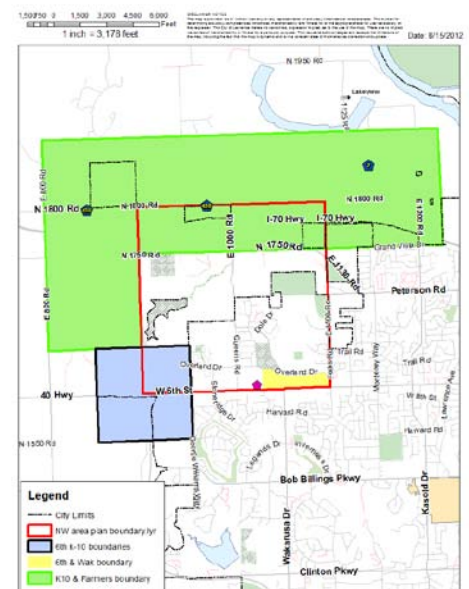
4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is not currently located in an adopted area or sector plan. The *Northwest Plan*, adopted in 1997 but considered outdated in the Comprehensive Plan, provides limited guidance for the area. Other area and nodal plans that affect the 6th St. corridor have been adopted and amended into *Horizon 2020* that provide more current land use recommendations and policy guidance than the *Northwest Plan*; namely, the *6th and Wakarusa Nodal Plan* and the *West of K-10 Plan*.

A key policy of the *Northwest Plan* was the implementation of land uses that transition intensity from the north (lowest) to the south (highest). Highest intensity uses were to be located along arterial streets.

The *Northwest Plan* identified two distinct areas. Land north of Peterson Road extended (sections 20 and 21 is intended for very low residential development) with a rural character. Portions of this area have been incorporated into and updated with the adoption of the *K-10 and Farmers Turnpike Area Plan*.

The *6th & Wakarusa Nodal Plan* extends into the *Northwest Plan* boundary and terminates at the east property line of the proposed RM24 request. This property is outside of the boundary of that nodal plan. This node represents a high intensity non-residential area adjacent to the proposed RM24 request.



The proposed RM24 zoning district is located on the north side of W. 6th Street in the area anticipated for higher intensity development. The proposed request is consistent with the adopted plans for this area to provide land use transition north to south. Overall, the southeast portion of the Northwest area had developed largely in conformance with the planned land use pattern described in the 1997 plan.

Staff Finding – The proposed request is consistent with the planned development in the area. The proposed RM24 request will provide a transition of development along w. 6th Street and lower intensity development to the north as well as provide transition between the commercial development to the east and lower density development to the west.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The subject property is currently zoned CO and PRD, which is allowed under the former Development Code. While the property is suitable for this zoning designation, it is also suitable for RM24 zoning. The previously approved Village Meadows UPR for a retirement facility included 310 dwelling units which would have given the site a density of 17 units per acre RM24 increases the density of the area however this is appropriate considering the location near commercial and other high density residential areas.*

The proposed request would remove the remaining 11 acres from the existing 17.8-acre PRD. The approved density for the Village Meadows project excluded the assisted living and Alzheimer's units from the total calculation. The RM24 district allows attached, clustered, and multi-dwelling residential uses and permits detached housing as a Special Use in this district.

The recent approval of 6 acres along the south side of Overland Drive essentially cancelled the Planned Residential Development for this site and left a remaining acreage that no longer was consistent with plans for the property. Approval of the request resolves the outstanding portion of the Planned Residential Development and establishes a conventional residential zoning district. Additionally, the approval would abandon the existing commercial-office uses currently allowed in the CO portion of the original 21-acre site.

Approval of this request trades the existing commercial/office for higher density residential development entitlements. The occurring development pattern for the "Northwest Area" conforms to the overall recommendations for area. The current PRD zoning is no longer suitable for this property since it was based on a previous plan that will not be developed. Additionally, the trade of residential density for commercial and office uses is suitable along the arterial and collector streets that border the south and east property lines.

Staff Finding – The location and proximity to an arterial street and other high intensity uses makes this request suitable for high-density residential development.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The subject property has never been developed and has continued to remain vacant since it was zoned PRD and CO.*

The property is currently undeveloped. The PRD zoning was approved October 23, 2001. The zoning was contingent upon approval of a development plan that became known as Village

Meadows. The associated Use Permitted upon Review [UPR-9-3-04] was approved in 2005 but expired. The CO zoning was conveyed in 2006 with the adoption of the Development Code. The original office zoning, O-1, was established in May 2002 as part of the 6th Street and Wakarusa land use applications (Wal-Mart).

Staff Finding – The property is currently vacant. The southern portion of the property along W. 6th Street has been zoned for office use since 2002 and commercial/office use since 2006.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *No detrimental effects will occur to nearby properties by rezoning this property to RM24 from PRD and CO.*

Approval of the rezoning modifies the development standards applicable to development of the site. The property immediately to the north has recently been rezoned for multi-dwelling development – RM15. The entire acreage between Overland Drive and W. 6th Street is being replatted from a single lot to two lots so that the zoning boundaries conform to platted lot lines.

Development to the east includes Wal-Mart and commercial pad sites. Congressional Drive, a collector street and W. 6th Street, an arterial street, bound the property on the east and south. No development plans have been submitted for the property to the west. The area is easily accessible by an existing street network capable of supporting intensive land uses.

Adequate area is included in the proposed zoning to accommodate the necessary setbacks, screening, and landscaping required of a multi-dwelling development.

For all of these reasons, staff concludes no detrimental effects are anticipated to result from approval of the proposed zoning on nearby properties.

Staff Finding – No detrimental effects are anticipated to result from approval of the proposed zoning.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public if this application were approved would not be considerably different from the current zoning designation. Denial of the application will continue to impede the development of this site for a highly suitable use.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Approval of the request will facilitate infill development in this area. The property abuts an existing collector street. Commercial destinations and public spaces are located east and northeast of the property. There is no anticipated "cut-through" traffic that would be generated by this development that would affect the lower density areas to the north.

Staff Finding – There is no negative impact anticipated to result from approval of the proposed RM24 zoning.

9. PROFESSIONAL STAFF RECOMMENDATION

The significant change represented by this request is the change from a Planned Residential Development and Commercial Office zoning that trades the allowable commercial/office intensity for an increased density. The character and proximity of this property to a significant commercial center to the east and south make this property suitable for high-density multi-family development.

Approval of the request will facilitate infill development along this segment of W. 6th Street. Access restrictions exist along W. 6th Street and a portion of Congressional Drive that will accommodate appropriate ingress and egress for this property as part of a more detailed development proposal.

CONCLUSION

The proposed RM24 District is compatible with the developing land use pattern along the north side of W. 6th Street. Staff recommends approval of the rezoning of 11.93 acres to the RM24 District.

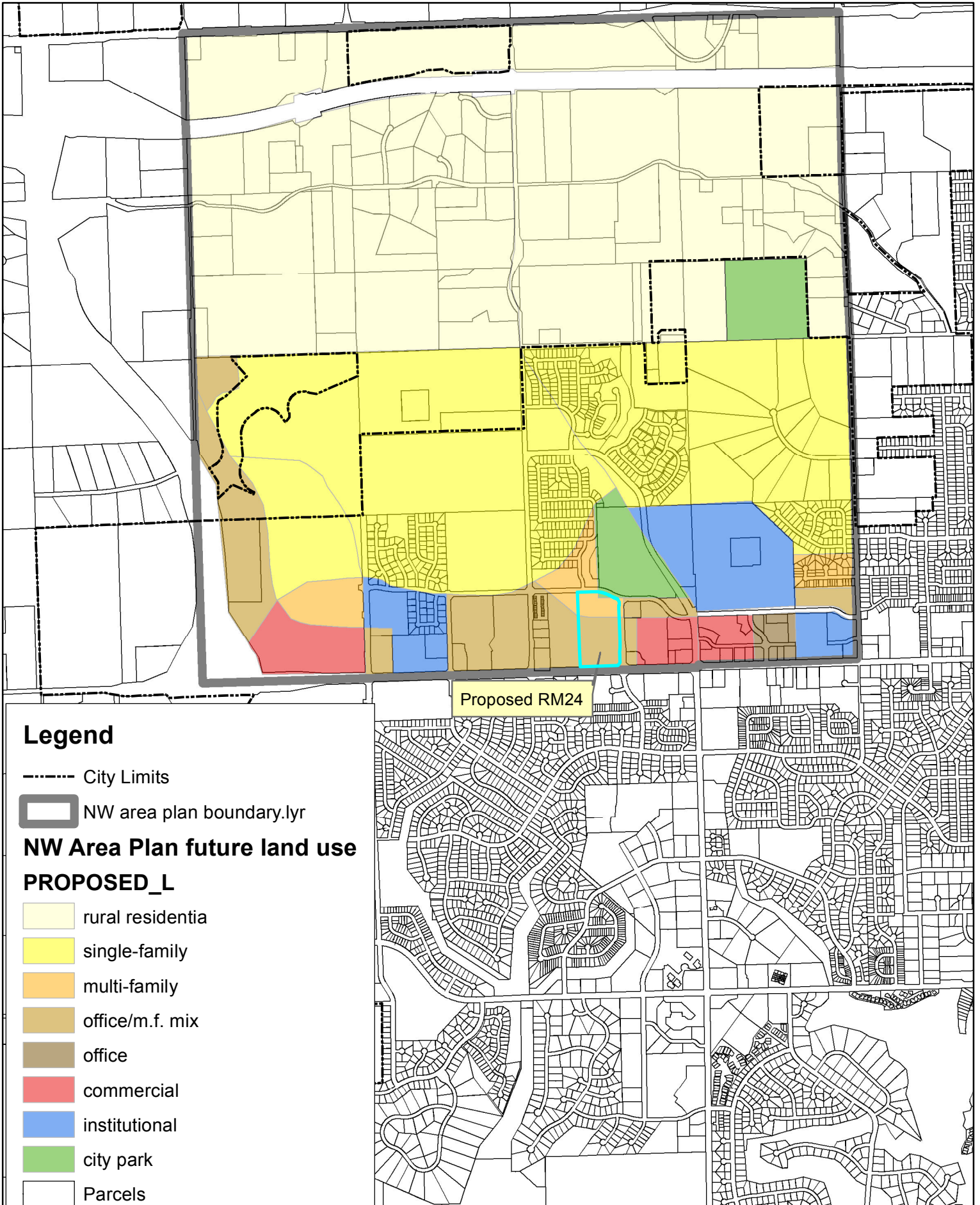
1,000 500 0 1,000 2,000 3,000 4,000 Feet

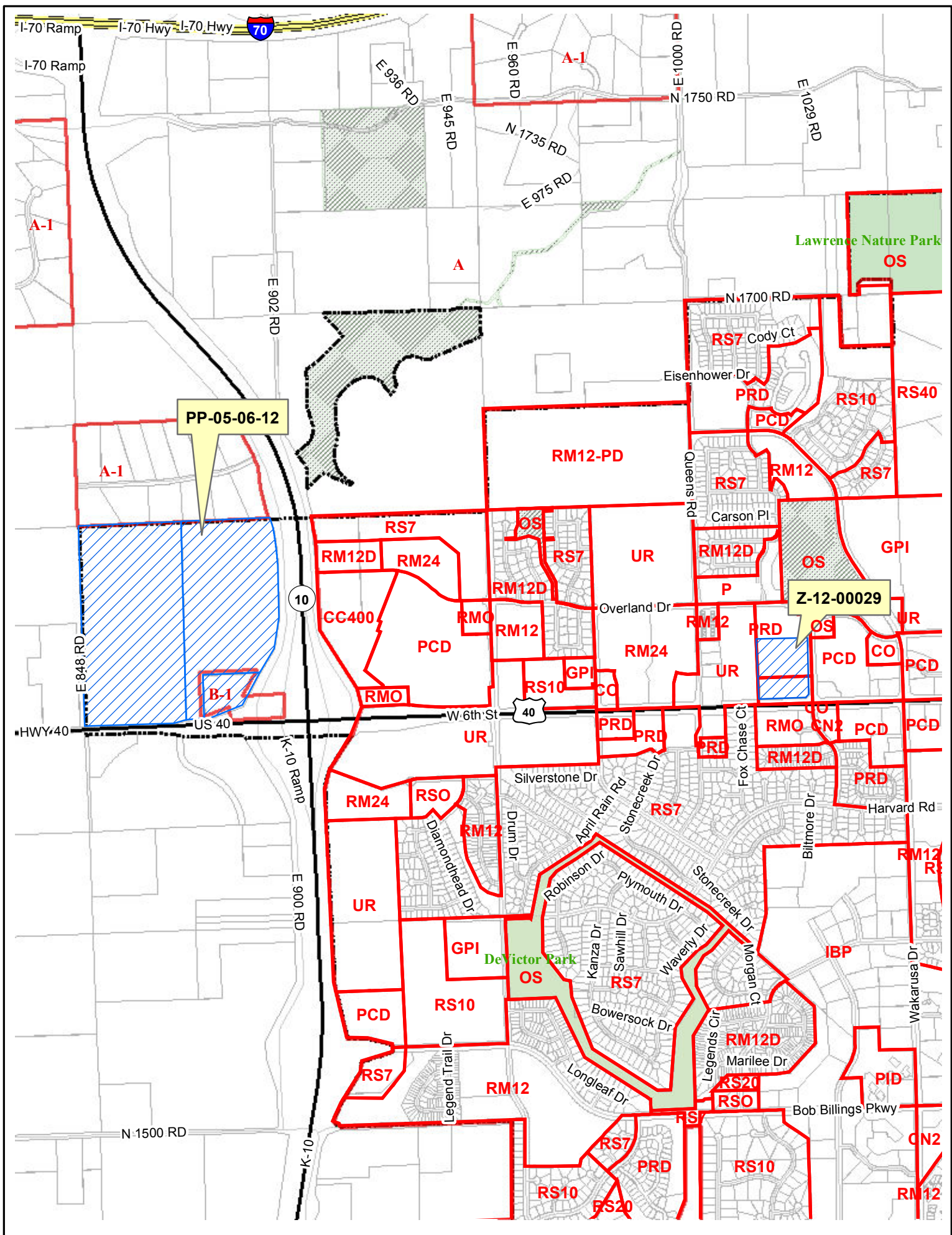
1 inch = 2,000 feet

DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 8/13/2012





**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
8/20/12

ITEM NO 4: PRELIMINARY PLAT FOR GATEWAY ADDITION; 880 HWY 40 (MKM)

PP-5-6-12: Consider a Preliminary Plat for Gateway Addition, a 6-lot subdivision containing approximately 146 acres, located at 880 Hwy 40 (NW quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Landplan Engineering, for Hanover Place, L.C. and Tanglewood, L.C., property owners of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Gateway Addition Preliminary Plat subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Addition of a note stating that additional right-of-way or easement for Hwy 40/W. 6th Street will be dedicated with the final plat if it is determined to be necessary for planned KDOT improvements.
 - b. Show access restriction along Hwy 40/W. 6th Street along all of the frontage not identified as access points.
 - c. Show the following access restrictions on Aldersgate: 300 ft from the perpendicular curb face of an intersecting arterial street and 250 ft from the perpendicular curb face of an intersecting collector or local street.
 - d. Address to the City Utility Engineer's satisfaction the technical comments provided by the City Utility Engineer in relation to water lines and sanitary sewer improvements.
2. Provision of a revised DSSA with the revisions noted in the staff report, per City Utilities Engineer approval.

Applicant's Reason for Request:

Subdivision is required prior to development of property.

KEY POINTS

- Development on this property will include private development, as well as a partnership between the City, University of Kansas, and the developer to develop a regional sports complex on approximately 50 acres, shown as Lot 1 and Lot 2, Block One on the preliminary plat.
- Subject property and adjacent road right-of-way, approximately 208 acres, was annexed into the City of Lawrence with Annexation Ordinance No. 8730, published on May 27, 2012.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.

ATTACHMENTS

Attachment A : Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- A-3-1-12 Annexation of approximately 208 acres for subject property and adjacent right-of-way; Planning Commission voted 9 to 0 to recommend approval on April 23, 2012; City Commission adopted Annexation Ordinance No. 8730 on second reading on May 22, 2012; Ordinance published on May 27, 2012.

The proposed development of a regional sports complex with associated retail uses will require other action. While this is not specifically tied to the preliminary plat these steps are listed here to provide an overview of the project:

- CPA-4-2-12 Comprehensive Plan Amendment to Chapter 6 of *Horizon 2020* to create CC600 District policies and to Chapter 14 to revise the *West of K-10 Plan* and *A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10)* designating the node of 6th Street and K-10 as a CC600.

Planning Commission recommended approval at their April 23, 2012 meeting. Board of County Commissioners approved on July 11, 2012. City Commission approval and publication of joint ordinance/resolution required. Scheduled for City Commission August 21, 2012 meeting.

- TA-4-3-12 Text amendment to Land Development Code to create a CC600 zoning district. Planning Commission recommended approval at their April 23, 2012. City Commission approval and publication of ordinance required. Scheduled for City Commission August 21, 2012 meeting.

- Z-4-5-12 Rezoning of subject property from A and B-1 to the CC600 (Community Commercial) District. Planning Commission recommended approval at their April 23, 2012 meeting. City Commission approval and publication of ordinance required. Scheduled for City Commission August 21, 2012 meeting.

Other Action Required for Subdivision:

- City Commission acceptance of dedication of easements and rights-of-way on the Final Plat.
- Submittal of final plat for administrative approval and recordation.
- Submittal and approval of public improvement plans for waterline and sanitary sewer improvements and provision of means of assurance of completion shall be submitted prior to the recording of the final plat.
- Provision of Division of Water Resources permit for proposed channel changes to the South Branch Baldwin Creek.

Other Action Required Prior to Development:

- Submittal and approval of site plan prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – A full Traffic Impact Analysis was submitted and accepted by the City Engineer. The findings are discussed later in this report.
- *Downstream Sanitary Sewer Analysis* – A Downstream Sanitary Sewer Analysis was provided by the applicant and the City Utility Engineer indicated it would be accepted with the following revisions:
 - The slope on the 12" SDR-26 line from Sports Village West to Gas Line shall be increased so the capacity of that pipe exceeds the design flow of 1.792 MGD.

- Calculate the velocity in the 12" and 15" at the calculated design flow for the Sports Village (223 gpm). The velocity shall exceed 2 fps.
- *Drainage Study* – A Drainage Study was provided and accepted by the City Stormwater Engineer.

PUBLIC COMMENT

No public comment was provided to the Planning Office prior to the printing of this staff report.

Site Summary	
Gross Area (acres):	146.104
Right-of-Way Dedicated (acres):	13.7
Net Area (acres)	132.404
Number of Existing Lots:	One 7 acre lot: Lot 1 Brinks Subdivision; remainder unplatted
Number of Proposed Lots:	6 Lots
Lot Area (acres):	2.487, 3.581, 32.788, 45.515, 26.639, and 17.470
Tract A (acres):	3.924

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and B-1 (County-Neighborhood Business) District; Undeveloped with exception of cell tower and storage building.

Surrounding Zoning and Land Use: To the north:
A-1 (County-Suburban Home); 13-lot platted rural subdivision, The Estates of Northwood (fka Ranch Estates); partially developed with detached homes.

To the west:
A (County-Agriculture) District; agricultural, and rural residences.

To the east:
CC 400 (Community Commercial) RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential), RM24 (Multi-Dwelling Residential), RMO (Multi-Dwelling Residential-Office) , and PCD-Mercato (Planned Commercial Development) Districts; undeveloped property in the process of being platted. Preliminary Development Plan approved for the PCD-Mercato zoned property.

To the south:
A (County-Agriculture); Religious institution with accessory day care center.

(Figure 1)

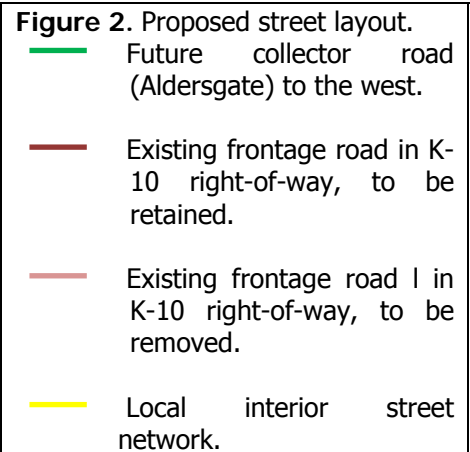
STAFF REVIEW

The property is being divided into 6 lots to accommodate a regional sports complex and associated retail uses. The street layout has been designed to allow the residents north of the subject property to continue utilizing the frontage road along K-10 as their access. The frontage street flows into Runner's Way and then accesses Highway 40 at Sprint Avenue, a proposed right-in / right-out only intersection, or at Sport Centre Boulevard, a signalized intersection. The frontage road connection

Currently, the frontage road provides access only for the residential properties north of the proposed Gateway Addition. When the Gateway property develops some commercial traffic may also utilize the frontage road. The intent is to keep the frontage road as is at this time and make improvements when necessary due to increased traffic on the road.



Figure 1b. Land use of area. Subject property outlined.



Compliance with Zoning Regulations for the CC600 District.

Per Section 20-601(b) of the Development Code, the CC District requires a minimum lot area of 20,000 sq ft and a minimum lot width of 100 ft. The lots being created with this plat comply with these density and dimensional requirements.

Per Section 20-211(d) of the Development Code, development in the CC District shall take access from a collector street, an arterial street, or a designated highway. Whenever possible, CC Centers development shall share direct or indirect access through common curb cuts or private access roads. When the CC Center site abuts a controlled intersection, access shall be directed to a side street with adequate distance between the intersection and the site access points. The access points meet the City access management standards. The access points are discussed more fully in the 'Streets and Access' portion of this report.

Zoning and Land Use

The subject property is currently undeveloped with the exception of a communication tower and a storage building. The storage building will be removed with this project. The existing cell tower is within the 25 ft building setback from Sport Centre Boulevard shown on the preliminary plat. The alignment of Sport Centre Boulevard was determined to be the most efficient based on topography and is creating non-conforming conditions for the cell tower, which will need to be cured through the site planning process in the future and may require variances and/or fall zone easements on the lot it is located on and adjacent lots.

Streets and Access

The property is located at the intersection of two highways, as is required for CC600 Districts (Hwy 40 and K-10). Per the City Access Management Standards, direct access from lots to a principal arterial such as a highway is not permitted, *"Direct access to an arterial street is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated."* (Section 20-915)(e)(1)) This access restriction should be shown on the preliminary plat.

The future collector street to the west, Aldersgate, will have an access restriction of 300 ft from the perpendicular curb face of an intersecting arterial street or 250 ft from the perpendicular curb face of an intersecting collector or local street. These access restrictions should be shown on the plat.

One-half the required right-of-way, 40 ft, will be dedicated for the future collector road on the west property line. This will be an extension of Aldersgate Rd, as named on the First United Methodist Plat and Minor Subdivision to the south; however, there are no plans to construct this boundary road at this time.

Access to the residential neighborhood to the north, will be provided via the existing K-10 frontage road. The frontage road access point on Hwy 40 will be removed when the street network connecting the property with Hwy 40 is constructed. One full-access point, Sports Centre Boulevard, will be provided on Hwy 40 at the signalized intersection with the access drive for the First United Methodist Church to the south. The applicant has requested a right-in/right-out access on Hwy 40 to provide an additional entrance into the site for vehicles from the east, and an additional exit for vehicles traveling to the west. (Figure 2)

Interior streets provide circulation throughout the site and break the area into lots. The Traffic Impact Study indicated that at full build-out there may be circulation issues with the right-out movement at the proposed right-in/right-out on Hwy 40. The right-out movement will direct exiting

traffic westward; while the study indicated that approximately 75% of the traffic exiting the site would be travelling to the east. Concerns were raised that the eastbound traffic exiting out of the right-in/right-out may travel to the signalized intersection to the west (Sport Centre Boulevard and Hwy 40) and make a U-Turn to return to the east. This would be problematic for the assumed full build-out traffic volumes, but may be acceptable as an interim improvement. This access point is currently under review by KDOT, but it is presumed that at least a right-in access point will be permitted.

The Traffic Impact Study also discussed the proximity of the intersection of Runner's Way and Sport Centre Boulevard to the signalized intersection of Sport Centre Boulevard and Hwy 40. Concern was raised that southbound traffic queuing for the signal, under the full build-out scenario, might block traffic wishing to exit the facility via Runner's Way to Sport Centre Boulevard. This congestion may encourage more drivers to exit from the right-out only turn from Sprint Lane to Hwy 40 and increase the number of U-turn movements at the signalized intersection to the west. Additional connections to the internal street network will likely be necessary to reduce the congestion on these 2 access points with future development.

Utilities and Infrastructure

Water lines have been extended to the west of the K-10 Bypass and are located south of US Hwy 40. The City Utilities Engineer provided several technical comments on the revised preliminary plat and revisions to address these comments are included in the recommended conditions of approval. Public improvement plans for the waterline improvements will be required prior to the recording of the final plat.

Sanitary sewer lines have been extended to the east of the K-10 Bypass near the northeast corner of the subject property. It will be necessary to extend the lines to the west side of K-10 to accommodate this project. The sanitary sewer main is shown extended to touch each lot created in this plat as required by City Code. The City Utilities Engineer provided several technical comments on the revised preliminary plat and revisions to address these comments are included in the recommended conditions of approval. Public improvement plans for the sanitary sewer improvements will be required prior to the recording of the final plat.

Easements and Rights-of-way

Adequate right-of-way is being dedicated for the interior and boundary roads. It is possible that additional right-of-way or easement may be required for the improvements to Hwy 40 which are being planned by KDOT. Table 1 lists the various streets and amount of right-of-way provided. Additional right-of-way along the south property line may be required for the improvements that KDOT will be making to Hwy 40. The improvements are in the design stage at this time; therefore, additional right-of-way for Hwy 40 will be dedicated with the final plat if it is determined to be necessary. A note to this effect should be placed on the plat.

The applicant indicated that they were attempting to provide utility easements only where needed to avoid conflict with street tree plantings. All sanitary sewer lines and water lines located outside of the right-of-way must be located within utility easements. Additional easements should be added, where necessary, to meet this requirement.

Road Info	Right-Of-	Amount Provided on Plat
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	Way Requirement	
Aldersgate Road, Future Collector; West boundary of subject property.	80 ft	40 ft (One-half the required right-of-way. The other half will be provided when property to the west plats.)
Decathalon Avenue, Local Street; East/west road south of Lots 1 and 2, block One.	60 ft	60 ft
Sports Centre Boulevard, Local Street; Primary access into site at signalized intersection on Hwy 40	60 ft	100 ft (Additional right-of-way is being dedicated to allow for additional lanes of traffic to accommodate event traffic.)
Runner's Way, Local Street; East/west road which extends into the existing frontage road	60 ft	60 ft
Sprint Lane; Local Street; North/south road connecting Runners Way to Hwy 40	60 ft	60 ft
Table 1. Right of way widths, required and provided.		

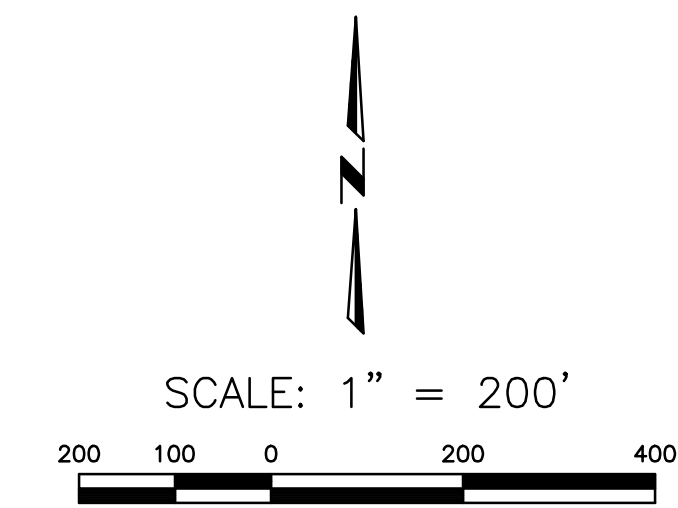
Stormwater/Drainage

The South Branch Baldwin Creek is located through Lots 1 and 2 of Block One, the proposed site of the sport center. The concept plan shows stormwater changes which include the realignment of the stream into an engineered system consisting of closed conduit and open channel. The detention structure shown within Tract A is intended to serve the drainage basin of the platted property and offsite properties. The channel change and stormwater system may require permits from the KS Division of Water Resources and the Army Corps of Engineers.

Conformance

The preliminary plat, as conditioned, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

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SITE SUMMARY:

GROSS AREA:	6,364,294 SF	146.104 AC
RIGHTS-OF-WAY AREA:	596,723 SF	13,700 AC
NET AREA:	5,767,571 SF	132.404 AC

LOT 1, BLOCK ONE:	761,005 SF	17.470 AC
LOT 2, BLOCK ONE:	1,160,395 SF	26.639 AC
TRACT A, BLOCK ONE:	170,918 SF	3.924 AC
LOT 1, BLOCK TWO:	1,982,629 SF	45.515 AC
LOT 1, BLOCK THREE:	108,328 SF	2.487 AC
LOT 1, BLOCK FOUR:	156,007 SF	3.581 AC
LOT 1, BLOCK FIVE:	1,428,256 SF	32.788 AC

TOTAL LOTS:	6	
MAXIMUM LOT AREA:	1,982,629 SF	45.515 AC
MINIMUM LOT AREA:	156,007 SF	3.581 AC
AVERAGE LOT AREA:	932,770 SF	21.413 AC

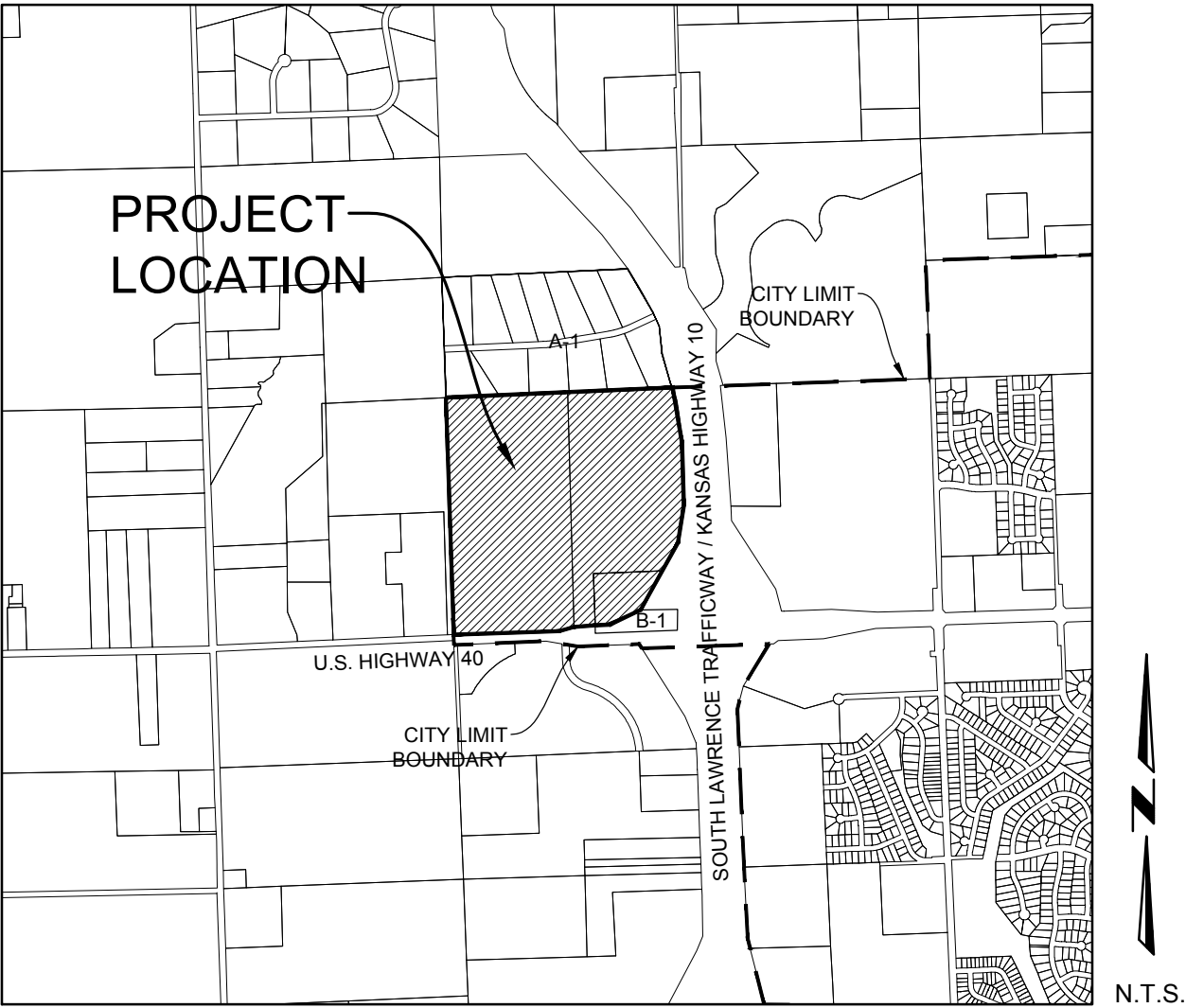
BENCHMARKS:

- BM #2: CHISELED "C" ON THE SOUTH END OF WEST HEADWALL FOR THE TRIPLE 8"x8" RCB UNDER THE SOUTH LAWRENCE TRAFFICWAY (K-10). RCB APPROXIMATELY 3000' NORTH OF 6TH STREET (U.S. HIGHWAY 40)
ELEVATION: 944.00
- BM #4: CHISELED "C" ON THE NW CORNER OF CONCRETE BASE FOR POWER POLE LOCATED APPROXIMATELY 5' NW OF SOUTHEASTERN MOST PROPERTY CORNER. POLE LABELED AS #24 ON NORTH SIDE.
ELEVATION: 1013.15
- BM #5: CHISELED "H" ONE THE CENTER OF THE SOUTH RIM OF TELEPHONE VAULT LOCATED SOUTH OF THE CELL PHONE TOWER FENCE.
ELEVATION: 1054.28
- BM #7: 5/8" REBAR (NO CAP) MARKED BY T-POSTS 3' NORTH AND SOUTH. THE BENCHMARK IS LOCATED APPROXIMATELY 70' NORTH AND 100' EAST OF THE SOUTHWEST PROPERTY CORNER.
ELEVATION: 1028.20

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL HAVE PUBLIC STREETS AND ROADS.
- THE SUBDIVISION WILL CONNECT TO PROPOSED 16" WATERLINE EXTENSION ALONG 6TH STREET TO BE CONSTRUCTED BY THE CITY OF LAWRENCE.
- THE SUBDIVISION WILL CONNECT TO THE EXISTING PUBLIC SANITARY SEWER SYSTEM AT MANHOLE NW291219-010.
- PURCHASERS OF LOTS IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OR FEES SPECIFIC TO THE SUBDIVISION TO PAY FOR THE CAPITAL COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- PROPOSED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE IMPROVEMENTS WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01° 54' 03" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,647.54 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 87° 28' 05" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,496.34 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY, SAID POINT BEING 154.55 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 23° 45' 02" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 109.79 FEET; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 3,559.77 FEET, AND A 457.47 FOOT LONG CHORD BEARING SOUTH 06° 23' 24" EAST, A DISTANCE OF 457.79 FEET; THENCE SOUTH 02° 42' 21" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 708.78 FEET; THENCE SOUTH 09° 58' 29" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 410.00 FEET; THENCE SOUTH 27° 50' 40" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 881.14 FEET; THENCE SOUTH 67° 57' 57" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 441.59 FEET; THENCE SOUTH 87° 34' 30" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 325.01 FEET; THENCE SOUTH 75° 14' 06" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.78 FEET; THENCE SOUTH 02° 25' 32" EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 1,162.42 FEET TO THE POINT OF BEGINNING. CONTAINS 146.104 ACRES, MORE OR LESS.

GENERAL NOTES:

- OWNER: HANOVER PLACE, L.C. TANGLEWOOD, L.C.
P.O. BOX 628
LAWRENCE, KANSAS 66044
P.O. BOX 628
LAWRENCE, KANSAS 66044
- LAND PLANNER, ENGINEER AND SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TYPICAL SOIL TYPES: Kc: KENNEBEC SOILS, CHanneLED
Mc: MARTIN SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
Mh: MARTIN SOILS, 3 TO 7 PERCENT SLOPES
Mo: MARTIN-OSKA SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
Oe: OSKA SILTY CLAY LOAM, 3 TO 6 PERCENT SLOPES
Sw: SOGN-VINLAND COMPLEX, 5 TO 20 PERCENT SLOPES
Vc: VINLAND COMPLEX, 3 TO 7 PERCENT SLOPES
Vm: VINLAND-MARTIN COMPLEX, 7 TO 15 PERCENT SLOPES
- BOUNDARY INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., APRIL 2012. UTILITY INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., JULY 2012. TOPOGRAPHIC INFORMATION SHOWN OBTAINED FROM AERIAL SURVEY PERFORMED BY M.J. HARDEN, 2006 AND CONFIRMED BY LANDPLAN ENGINEERING, P.A., JULY 2012.
- EXISTING ZONING: A - AGRICULTURE (COUNTY)
B1 - NEIGHBORHOOD BUSINESS (COUNTY)
- PROPOSED ZONING: CC600
- EXISTING LAND USE: VACANT, AGRICULTURE, CELL TOWER
- PROPOSED LAND USE: RECREATION, CIVIC, MEDICAL, RETAIL, COMMERCIAL, LODGING, CELL TOWER
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 20045C0152D, DATED AUGUST 5, 2010.
- PER CITY OF LAWRENCE LAND DEVELOPMENT CODE SECTION 20-809(f)(4)(ii), THAT ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) WILL BE LOCATED UNDERGROUND.
- PER CITY OF LAWRENCE LAND DEVELOPMENT CODE SECTION 20-811(c)(1), SIDEWALKS ARE REQUIRED ON BOTH SIDES OF THE STREETS.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakarusa Drive
Lawrence, Kansas 66049
Phone (785) 843-2410
Fax (785) 843-2410
Web www.landplaneng.com

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbia, MO
The Woodlands, TX • Farmington Hills, MI

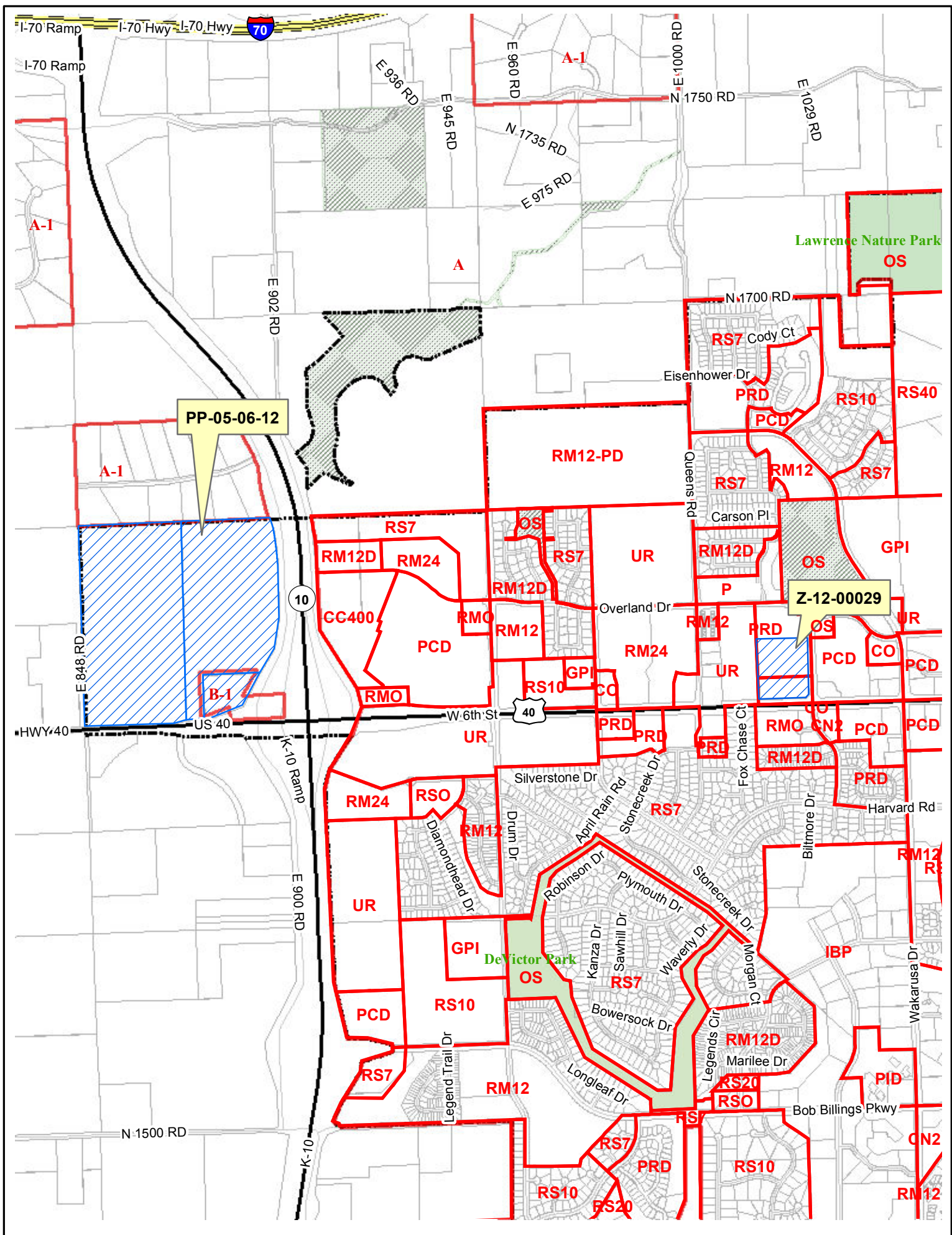
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**GATEWAY ADDITION
PRELIMINARY PLAT**

REV	DATE	DESCRIPTION
1	8/14/12	INITIAL PAVING PLAN
2	7/31/12	SVP EDIT & TOPG

DATE:	05/21/12
PROJECT NO.:	20121069
DESIGNED BY:	LPE
DRAWN BY:	RJ
CHECKED BY:	CMS

ISSUE	SHEET NO.
C	1
OF	1 SHEETS



League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 19, 2012

Mr. Bruce Liese, Chairman
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044



Re: **ITEM NO 4: PRELIMINARY PLAT FOR GATEWAY ADDITION**

Dear Chairman Liese and Planning Commissioners:

The League supports the Staff Report in their description of the problems with this Preliminary Plat that need to be remedied.

In addition, there are other features in the design of this plat that are of concern.

a) There is not a sufficient buffer between the recreation center and the residential uses to the north.


b) The Baldwin Creek tributary, characterized in the Staff Report as intermittent, is proposed to be diverted, channeled and placed underground (also with an above-ground channel). It is contrary to our League environmental position to channel streams, especially one which may carry much more flow from upstream once the areas develop. One of the basic ongoing problems in plat design is the lack of stormwater planning within large lots intended for conventional zoning. Because this may be left to the site planning stage, we hope that you will delay in approving this preliminary plat until more of its use is planned in a way that will also preserve the sensitive environmental features.


c) As mentioned in the Staff Report, there are unresolved traffic issues that will need to be remedied in the future. We hope that these will be anticipated now in the design of the access, such as the need for a U-turn to return to Lawrence in the right-turn in, right-turn out access routes.

We view this preliminary plat as coming too early in the development approval process for this property. We suggest that it should be deferred until the comprehensive plan amendments, text amendment and rezoning have been adopted.

Thank you for your consideration of our comments.

Sincerely,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee

Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: August 10, 2012

RE: Text Amendment to the Land Development Code regarding Uses in the H (Hospital) District

Please place the following item on the August 14, 2012 Consent Agenda.

This memo requests initiation of a text amendment to the Land Development Code proposed by Lathrop & Gage, LLP on behalf of Lawrence Memorial Hospital. The proposed amendment proposes to change all Permitted Uses (except Hospital) to Accessory Uses in the H District.

History

This request follows discussions earlier this year with LMH & Bert Nash representatives, along with City Staff, regarding changes to the Development Code to accommodate Bert Nash plans to develop a Mental Health Facility. The City Commission recently amended the Development Code to include the new use and definitions for 'Mental Health Facility'. This request is intended to preserve the integrity of the Hospital District for primarily Hospital Uses and to clearly identify that other uses in the district are subordinate to the primary Hospital Use.

This request was submitted to the Planning Office in June and has been included in the legal notice for the August 20th Planning Commission meeting. Section 20-1302 allows text amendments to be initiated by private parties and requires the application to be forwarded to the City Commission for formal initiation.

Action Requested

Initiate a text amendment to Section 20-403 of the Land Development Code to change all Permitted Uses (except Hospital) to Accessory Uses in the H (Hospital) District.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
August 20, 2012

ITEM NO. 5: TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; HOSPITAL USE (SLD)

TA-12-00023: Consider a Text Amendment to the City of Lawrence Land Development Code to amend uses in the Hospital (H) District, to change all P uses (Permitted Uses), except for the *Hospital Use*, to A uses (Accessory Uses) to identify the Hospital use as the only principal use in this district and all other uses allowed in this district to be accessory to the this principal use. Requested by Lathrop & Gage LLP, on behalf of Lawrence Memorial Hospital. *Initiated by the City Commission on August 14, 2012.*

STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment and forwarding this recommendation for approval of TA-12-00023 to the Land Development Code to the City Commission with a recommendation for approval.

Reason for Request: To change all Permitted Uses (except Hospital) to Accessory Uses in the H (Hospital) District.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Representatives from Lawrence Memorial Hospital have requested this change to preserve the integrity of the Hospital District for primarily Hospital Uses and to clearly identify that other uses in the district are subordinate to the primary Hospital Use.

ATTACHMENTS

1. Initiation memo to the City Commission dated August 10, 2012.

OVERVIEW OF PROPOSED AMENDMENT

Earlier this year, the Planning Commission considered text amendments and rezoning requests related to Bert Nash plans to provide additional services on property adjacent to both the Community Health Building (where Bert Nash is currently located) and adjacent to Lawrence Memorial Hospital. These actions have resulted in review of uses permitted in the H (Hospital) District by LMH representatives. This proposed text amendment proposes to change all uses other than Hospital from Permitted Uses in the H District to Accessory Uses. This change ensures that the *Hospital* remains the predominant use in this district and that any other uses located in the district will be subordinate or accessory to the primary use in the district.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Health services are addressed in Chapter 10 – Community Facilities in *Horizon 2020*. The Plan recognizes the importance of adequate facilities to serve Lawrence and Douglas County. The Plan states that such facilities should be located within the incorporated areas of Douglas County. The Plan further recognizes the existence of a general hospital – Lawrence Memorial Hospital. The plan further provides a definition of a General Hospital as:

An establishment with an organized medical staff of physicians, with permanent facilities including in-patient beds and acute care facilities, and with medical services – including physician services and continuous registered professional nursing services – for not less than 24 hours of every day, for the purpose of providing diagnosis and treatment for patients who have a variety of medical conditions. (Page 10-7)

Horizon 2020 further addresses the need to retain the existing Hospital's economic viability. From this perspective, the use of the Hospital District for activity and uses that do not meet the full and complete definition of a *Hospital* could lead to an oversupply of the district. This oversupply can lead to development of single service and for-profit medical uses that threaten the economic viability of the existing general hospital.

Revising the Development Code to change the uses listed as Permitted Uses in the H District to Accessory Uses ensures that these uses, if developed, will be ancillary to the primary *Hospital Use* in the district.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

Recent discussions related to expanded Community Mental Health Facilities have resulted in a review of uses permitted in the H District. LMH representatives have suggested that changing the Permitted Uses to Accessory Uses would help to preserve the H District for its primary use as a General Hospital District. Use of the Hospital District, especially for other medical facilities, could jeopardize the integrity of the existing general hospital. This text amendment is intended to provide clarification in the Use Tables that the H District is *primarily intended to accommodate a Hospital and accessory and related uses* as noted in the district's purpose statement in 20-202(a).

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

As discussed above, the proposed amendment is intended to provide clarification that all uses allowed in the H District, other than *Hospital*, should be accessory and subordinate to the primary *Hospital* use. This amendment prevents the H District from potential development that could jeopardize the economic viability of the existing general hospital. This amendment supports the stated premise in *Horizon 2020 - Chapter 10* related to the importance of protecting the investment made in the general hospital that serves the entire community.

DRAFT CODE TEXT

- Changes noted in Red (New Text), ~~Strikeout~~ and Highlight

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A* P*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A P	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A P	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*		P*	-	-	-	-	-	S	A P	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A P	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A P	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P	-	P	-	P	A P	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	-	P*	-	-	-	P*	-	512
	Postal & Parcel Service	-	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	-	S*	-	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A P	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	-	S	-	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A P	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A* P*
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	P	P	P	P	P	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A P	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A*	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
COMMERCIAL USE GROUP																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	S	S	P	P	P	P	P	P	P	-	P	A	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	P	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	S	P	P	P	-	P	-	P	-	-	-	
	Light Equipment Sales/Rental	-	P*	-	-	S	P	P	P	-	P	-	P	-	-	-	545
	RV and Boats Storage	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
INDUSTRIAL USE GROUP																	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	S*	-	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	-	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	P	-	S	-	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
OTHER USES GROUP																	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	P	S	P	-	-	-	

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
8/20/12

ITEM NO. 6 COMPREHENSIVE PLAN REVIEW OF NINTH AND NEW HAMPSHIRE PROJECT

Consider making a finding, related to a request to use tax increment financing, that the proposed Ninth and New Hampshire Redevelopment District- South Project Area Redevelopment Project Plan is consistent with the comprehensive general plan, *Horizon 2020*, for the development of the city, as required by K.S.A. 12-1722.

STAFF RECOMMENDATION: Staff recommends making a finding that the proposed plan for the redevelopment of the south portion of the Ninth and New Hampshire Project is consistent with the comprehensive general plan, *Horizon 2020*.

Reason for Request: K.S.A. 12-1772 requires the City of Lawrence, when proposing a tax increment financing (TIF) redevelopment area, to prepare a redevelopment plan in consultation with the Planning Commission of the city and for the planning commission to determine if the redevelopment plan is consistent with the comprehensive general plan. (A complete copy of the K.S.A. 12-1772 is provided in attachment A.)

Tax increment financing is an economic development tool that captures the incremental increase in assessed valuation over the pre-development base valuation to pay for certain eligible project costs. The base level of taxes continue to flow to the taxing jurisdictions. In this case, eligible project costs include construction of the parking garage, infrastructure expenses, possible acquisition and site prep of the Salvation Army property, and interest costs.

KEY POINTS

- Planning Commission's scope is limited to the conformance of the proposed project plan with the comprehensive plan, *Horizon 2020*.
- There are several relevant factors in *Horizon 2020* which would be consistent with the proposed project plan.
- The redevelopment district includes a north and south area. The project plan for the north portion of the redevelopment district will be forthcoming at a later date.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- None

PLANS AND STUDIES REQUIRED

- Ninth and New Hampshire Redevelopment District- South Project Area Redevelopment Project Plan

ATTACHMENTS

- K.S.A. 12-1772
- Ninth and New Hampshire Redevelopment District- South Project Area Redevelopment Project

Plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

The subject property at 900 New Hampshire is currently vacant. A mixed-use hotel project and underground parking garage is proposed for this site. The hotel is proposed to be a Marriott extended stay property that would be a new product for the Lawrence market. The property at 940 New Hampshire is the Lawrence Arts Center. No changes are proposed on this site. The property at 946 New Hampshire is currently occupied by the Salvation Army. The proposed project plans call for this property to be acquired by the City and provided to the Lawrence Arts Center for enhancement of its activities through an Arts Commons project. No firm commitments have been made to proceed with this project at this point.

The scope of review by the Lawrence/Douglas County Planning Commission is limited to determining if the proposed redevelopment project, the Ninth and New Hampshire Redevelopment District- South Project Area Redevelopment Project Plan is consistent with the goals and policies established in *Horizon 2020*.

While the redevelopment plan includes proposed site plan elevation drawings, this information is provided only to assist the Planning Commission with understanding the redevelopment project. At a future point in time, the developer will submit a North Project Area Redevelopment Plan, which will also require consultation with the Planning Commission.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The *Horizon 2020* designation is implemented through the Commercial District (CD) zoning district, as well as the Downtown Urban Conservation Overlay District and its accompanying Downtown Design Guidelines. The proposed redevelopment plan conforms in use and standards to these districts.

Horizon 2020 identifies this property as office and/or commercial uses in [Figure 3-2, Future Land Use Map](#). The following items relevant for the Planning Commission's consideration of this item:

1. Preserve downtown as a Mixed Use Activity Center

Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center. (p. 6.1)

2. Encourage infill development with an emphasis on Downtown Lawrence

Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals. (p. 6.1)

3. *Offer appropriate incentives for desired tourism development*

Target projects such as high value hotels and attractions that would be considered destination driver. A destination driver is the type of attraction or amenity that motivates or "drives" large numbers of visitors to travel to the community." (p. 12-6)

Staff Finding: The redevelopment plan conforms to the adopted zoning for the area and is generally consistent with the policies for Downtown established in *Horizon 2020*.

2. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends making a finding that the proposed Ninth and New Hampshire Redevelopment District- South Project Area Redevelopment Project Plan is consistent with the comprehensive general plan, *Horizon 2020*, for the development of the city, as required by K.S.A. 12-1722.

12-1772. Procedure for establishing a redevelopment project or bioscience development project; project plan; hearing; posthearing changes. (a) *Redevelopment projects.* One or more redevelopment projects or bioscience development projects may be undertaken by a city within an established redevelopment district or bioscience development district. Any such project plan may be implemented in separate development stages. Any city proposing to undertake a redevelopment project or bioscience development project within a redevelopment district or bioscience development district established pursuant to K.S.A. 12-1771, and amendments thereto, shall prepare a project plan in consultation with the planning commission of the city and, in the case of a bioscience development district, with the approval of the bioscience authority. The project plan shall include:

(1) A summary of the feasibility study done as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;

(2) a reference to the district plan established under K.S.A. 12-1771, and amendments thereto, that identifies the redevelopment or bioscience development project area that is set forth in the project plan that is being considered;

(3) a description and map of the redevelopment or bioscience development project area to be redeveloped;

(4) the relocation assistance plan required by K.S.A. 12-1777, and amendments thereto;

(5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and

(6) any other information the governing body deems necessary to advise the public of the intent of the project plan.

(b) *Resolution requirements.* A copy of the redevelopment project plan or bioscience development project plan shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the proposed redevelopment project area or bioscience development project area. Upon a finding by the planning commission that the project plan is consistent with the intent of the comprehensive plan for the development of the city, the governing body of the city shall adopt a resolution stating that the city is considering the adoption of the project plan. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the adoption of the redevelopment project plan or bioscience development project plan and fix the date, hour and place of such public hearing;

(2) describe the boundaries of the redevelopment district or bioscience development district within which the redevelopment or bioscience development project will be located and the date of establishment of such district;

(3) describe the boundaries of the area proposed to be included within the redevelopment project area or bioscience development project area; and

(4) state that the project plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk.

Except as provided in paragraph (3) of subsection (b) of K.S.A. 12-1774, and amendments thereto, if the governing body determines that it may issue full faith and credit tax increment bonds to finance the redevelopment project or bioscience development project, in whole or in part, the resolution also shall include notice thereof.

(c) (1) *Hearing.* The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the resolution providing for the public hearing shall be by certified mail, return receipt requested, sent to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the proposed redevelopment project area or bioscience development district project area. If the project is a bioscience development project, a copy of the resolution providing for the public hearing shall also be sent by certified mail, return receipt requested, to the Kansas development finance authority. Copies also shall be sent by certified mail, return receipt requested to each owner and occupant of land within the proposed redevelopment project area or bioscience development project area not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in the official city newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the project area shall be published with the resolution.

(3) At the public hearing, a representative of the city shall present the city's proposed project plan. If the hearing is for a proposed bioscience development project, a representative of the Kansas bioscience authority shall assist in presenting the proposed bioscience project plan. Following the presentation of the project plan, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(d) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(e) *Posthearing procedure.* Following the public hearing, the governing body may adopt the project plan by ordinance passed upon a 2/3 vote and, in the case of a bioscience project plan, with the approval of the bioscience authority.

(f) Any substantial changes as defined in K.S.A. 12-1770a, and amendments thereto, to the project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city newspaper.

(g) Any project shall be completed within 20 years from the date of the approval of the project plan.

(h) A bioscience development project may be undertaken in a bioscience development district in the unincorporated area of a county by resolution of the board of county commissioners governing the area if:

(1) The bioscience development project is approved by the Kansas bioscience authority; and

(2) the board of county commissioners follows the notice, hearing and approval procedures required of a city to establish a bioscience development project.

(i) When establishing a bioscience development project as described in subsection (h), any references to "city" contained in this section shall mean "county."

History: L. 1976, ch. 69, § 3; L. 1979, ch. 52, § 3; L. 1981, ch. 173, § 26; L. 1982, ch. 75, § 8; L. 1984, ch. 74, § 3; L. 1988, ch. 78, § 3; L. 2001, ch. 103, § 7; L. 2004, ch. 112, § 27; L. 2005, ch. 132, § 4; Apr. 21.



**NINTH & NEW HAMPSHIRE REDEVELOPMENT
DISTRICT
SOUTH PROJECT AREA REDEVELOPMENT
PROJECT PLAN
AUGUST 13, 2012**

Summary of Exhibits

- Exhibit A: Resolutions No. 6967 and 6968 (Public Notice of Hearing and Recognition that Project is located in Enterprise Zone)
- Exhibit B: Illustration of TIF District Area
- Exhibit C: Ordinance No. 8728 (Removal of South Project Area from Existing TIF District)
- Exhibit D: Ordinance No. 8768 (Approval of Formation of New Ninth & New Hampshire TIF District)
- Exhibit E: Illustration and Description of TIF Project Buildings and Structures
- Exhibit F: Map and Legal Description of South Project Area
- Exhibit G: Pre-Design Public and Private Infrastructure Construction Cost Estimates
- Exhibit H: Feasibility Study

South Project Area Redevelopment Project Plan

This Redevelopment Project Plan (the “**Plan**”) is the “redevelopment project plan” required by K.S.A. 12-1772(a) for the Ninth & New Hampshire Redevelopment District (the “TIF District”). The District contains two separate project areas, the South Project Area (the “**South Project Area**”) and the North Project Area. This Plan pertains to the South Project Area. The redevelopment project for the South Project Area (the “**South Project**”) consists of an eighty-one unit hotel and eight apartments, meeting space and commercial uses and underground parking located at the southeast corner of Ninth & New Hampshire in downtown Lawrence, Kansas. As previously disclosed, the hotel may be redesigned to increase the number of hotel units to 90 to 92 units and remove the apartments. There will not be any exterior change to the building made as part of this redesign other than possibly the number of exterior windows. This change, if made, should not cause a material difference in either the feasibility or other projections related to the South Project. The South Project also includes certain improvements that may be paid for by the City of Lawrence for an extension of the Art Center to include an Arts Commons space.

This Plan describes how the South Project will utilize tax increment financing (“**TIF**”) to finance or reimburse “redevelopment project costs” incurred during the redevelopment of the South Project, as such costs are defined in K.S.A. 12-1770 et seq. (the “**TIF Act**”). This Plan is intended to be the basis for a redevelopment agreement (the “**Redevelopment Agreement**”) between the 900 New Hampshire, LLC, the Developer of the Project (the “**Developer**”) and the City of Lawrence, Kansas (the “**City**”) for the South Project.

I. PROCEDURAL HISTORY AND GENERAL INFORMATION

On March 13, 2012, the City and the Developer executed a Funding Agreement between Developer and the City of Lawrence to finance the costs of a feasibility study and the City’s attorney’s fees.

On June 19, 2012, the City Commission approved Resolution 6967 (the “**Resolution**”), which scheduled a public hearing on July 24, 2012 to consider the formation of a TIF district for the Project Area, defined below. At this same meeting, the City Commission also approved Resolution 6968 making a finding that the proposed redevelopment district lies within an Enterprise Zone. A copy of both Resolutions are attached to and incorporated in this plan as **Exhibit A**. The Resolutions were published as required by the TIF Act.

The TIF district is an area generally bounded on the south by 10th Street, on the west by New Hampshire Street, on the east by the alleyway that runs in between the block between New Hampshire Street and Rhode Island Street, and on the north by the boundary between the City owned parking lot located mid-block between New Hampshire Street and Rhode Island Street. There is a small portion of the new TIF District located to the east of the alleyway that runs north and south, and a small portion of the TIF District that runs north of the City owned parking lot

that is an area owned by the City but which water line improvements may be required to be made. A map of the proposed TIF district is attached as **Exhibit B**.

As noted above, the TIF District is further divided into the “South Project Area” and the “North Project Area.” The two project areas are generally divided north and south by Ninth Street. The South Project and North Project Areas are shown on the attached map (Exhibit B).

The South Project Area was previously located in an existing TIF district formed as part of the Downtown 2000 TIF District. The Downtown 2000 TIF District was established by Ordinance No. 7127 and adopted on August 3, 1999. In accordance with Kansas statutes K.S.A. 12-1770 et. seq. (the “Act”), the City is authorized to establish redevelopment districts within a defined area of the City. In accordance with this same Act, the City is authorized to remove an area from an existing district. On June 26, 2012, the City approved on first reading an ordinance, Number 8728, to remove the South Project Area from the existing TIF district. A copy of the ordinance approving the removal of the South Project Area from the existing TIF district is attached as **Exhibit C**.

On July 24, 2012, the City Commission held and closed a public hearing to consider the formation of the TIF District. The Ordinance was passed on second reading on August 7, 2012. The term “**TIF District**” refers to the real property generally shown on **Exhibit B**, and as legally described in the Ordinance. The Ordinance is attached to and incorporated in this Plan as **Exhibit D**. The Ordinance included a description of the district plan and found that the TIF District was an eligible area, all in accordance with the TIF Act.

II. PROJECT BUILDINGS, FACILITIES, AND IMPROVEMENTS

The “South Project Area” consists of all improvements generally described below and illustrated in **Exhibit E**, attached to and, by reference, incorporated in this Plan. The South Project area consists of the future site of hotel and related mixed-use structure, the public right-of-ways along portions of New Hampshire Street and an alley between New Hampshire Street and Rhode Island Street and the Art Commons space. Each of the above-referenced properties and right-of-ways will be improved in some manner in connection with the Project. A map and legal description of the South Project Area is attached hereto as **Exhibit F**.

A. Buildings and Structures.

The new hotel will be a multi-use structure consisting of approximately eighty-one rooms, eight apartments, and associated mixed use commercial spaces. As noted above, the Developer may opt to change the apartments into hotel rooms, in which case there would be approximately 90 to 92 hotel rooms (and no apartments). The structure will include ancillary uses such as a conference room, hotel lobby and hotel café space (area where complimentary breakfast may be served), restaurant space, and bar space. Additional commercial uses may consist of a retail space located on the ground floor (approximately 7,000 square feet that the Developer would like to lease for use as a small community market), restaurant space located on

the top floor, and an outdoor pool located on the top floor. The structure will consist of approximately 121,908 square feet, including the underground parking garage space.

In addition to the Project also includes an underground parking structure facility consisting of approximately 114 parking spaces. The underground parking structure and related site improvements will cost approximately \$3.35 million.

The Arts Commons is intended to serve as a public arts space, managed and curated by the Arts Center, featuring a park-like setting and perhaps a built structure. This space would be located on the Salvation Army tract located directly south of the Arts Center. The space could be a venue for public art exhibitions, theatrical productions, music, film and art-making activities. The green space would also provide space for children attending the arts-based preschool and other educational programs the opportunity to work and play outside. The building, paid for and constructed by the Arts Center through a future capital campaign could help define the public green space and add classroom, preschool, studio and exhibition space. The Plan includes funding for site acquisition and preparation, in the amount of approximately \$900,000. The Arts Commons project is subject to the City's acquisition of the Salvation Army property.

B. Infrastructure Improvements.

The Project will also include various public infrastructure improvements. The vast majority of these infrastructure improvements are not necessitated by the Project. For example, while certain existing utilities require updating to service the South Project, all of the improvements are intended to enhance both the Project and the adjacent neighborhood, and to minimize harm to nearby historic properties. The following are the planned public infrastructure improvements to be constructed in connection with the Project, as described on the preliminary cost estimates attached to and, by reference, incorporated in this Plan as **Exhibit G**:

- Alleyway improvements in the alley located between New Hampshire Street and Rhode Island Street ;
- Reconfiguration of the parking spaces located along New Hampshire Street to create a drop off lane for the hotel;
- Sidewalk and pedestrian crossing improvements along Ninth Street;
- Grading and site preparation within the public right of way
- Landscaping and plantings, benches, lighting, decorations, and similar amenities; and
- Public water and sanitary and storm improvements

C. Construction of Project Improvements.

The construction of the public and private infrastructure improvements described above will occur simultaneously with the construction of the hotel and mixed-use building. Consequently, there must be close cooperation and coordination between the construction of

those improvements, especially with respect to timing and the efficient use of machinery on-site. The Developer will finance and construct the public and private improvements, subject to normal city approval and specifications as part of the construction. Occupancy of the hotel and mixed-use project shall not occur until substantial completion of the public improvements. It is anticipated that any future construction and resulting improvements made on the Art Commons space may be delayed until after a fundraising campaign is conducted and therefore will occur after the date of the hotel/mixed-use project improvements.

III. SUMMARY OF SOUTH NINTH STREET FEASIBILITY STUDY

Pursuant to the Funding Agreement approved by the City Commission and dated March 13, 2012, the City retained Springsted Incorporated to perform the feasibility study required by the TIF Act. A copy of the South Redevelopment Project Financial Feasibility Study (the “**Feasibility Study**”) is attached to and, by reference, incorporated in this Plan as **Exhibit H**. The Feasibility Study concludes that the Project is feasible. As described more specifically in **Exhibit H**, the Feasibility Study estimates that total TIF revenues for the South Project over the term of the Project will be \$6,210,276. Total TIF expenses are estimated to be \$7,161,288 (which includes anticipated interest costs calculated using a 5.5% interest rate). In combination with the Developer’s own contributions of equity and private indebtedness, there are sufficient funds to permit the use of tax increment financing. This TIF District is anticipated to be a “pay as you go” TIF District with the Developer paying upfront all infrastructure costs related to the hotel, the City paying all costs associated with Art Commons area, and both taking the risk that sufficient revenues are generated by the TIF District and TDD to repay these amounts advanced.

It should be noted that the study assumed that Transportation Development District (“**TDD**”) would also be formed and that revenues generated by the TDD would be used to help pay the eligible costs. As discussed in more detail below, a TDD will be formed, but the City and the Developer have agreed to use TDD revenues to first help repay the City for costs incurred by the City in the construction of the City-owned parking facility located across the street to the west from the South Project Area.

IV. DESCRIPTION OF SHARING AGREEMENT

In connection with the agreement by the City to remove the South Project from the existing TIF district, the City requested, and the Developer agreed to share certain revenues that are anticipated to be generated from the TIF District and the TDD with the City to assist the City in recovering the costs of the original parking structure built by the City in connection with the creation of the Downtown 2000 TIF District. The basic structure of the proposed sharing agreement can be summarized as follows:

- Developer advances and pays for all eligible costs associated with the public infrastructure costs necessary for the hotel/mixed-use project;
- City advances and pays for all eligible costs associated with the Art Commons project;
- Transportation Development District revenues up to \$850,000 (with no interest factor) are first used to repay the City for costs associated with the construction of the City owned parking garage already located on the west side of New Hampshire;

- A specified percentage, five percent (5%), of the annual revenues generated by the TIF District is to be paid to the City to repay the City for eligible costs advanced towards the purchase of the Art Commons site and related infrastructure, including possible building costs assuming these building costs are eligible costs. To the extent that revenues are available and not otherwise dedicated, the City would be reimbursed at the end of the project funds up to the \$900,000 total for the Arts Commons project.
- The parties do not anticipate that any of the Art Commons project improvements will be taxable or will contribute to the payment of the eligible costs.

V. PROPOSED FINANCING METHODS

Tax increment financing will be used to finance or reimburse redevelopment project costs as follows:

1. Subject to the TIF Cap described in paragraph 5 below, all redevelopment project costs, including interest thereon at the greater of 5.5% of the Prime Rate plus 1% as published in the Wall Street Journal, will be eligible for reimbursement to the fullest extent permitted by Kansas law.
2. The following funds will be collected for a period of twenty (20) years from the date the ordinance approving the Plan is published in the official City newspaper and held in accordance with the TIF Act:
 - a. All incremental real property taxes assessed in the South Project Area during the term of the South Project;
 - b. All incremental real property taxes assessed on the remaining portions of the TIF District, to the extent the increases in real property taxes are caused by the improvements described in this Plan or other activities that do not constitute a new project;
 - i. Any increases in real property taxes caused by a new project will not be included in the TIF fund without the City's approval; and
 - c. All City and County sales taxes paid in the TIF District during the term of the South Project.
3. The Developer has elected to utilize the direct reimbursement method, and will privately finance all public and private improvements described in this Plan.
4. The City shall have the right to inspect such public improvements for compliance with the City Code, etc.
5. To the extent that the TIF Fund has available tax increment, the City shall reimburse all of the Developer's eligible expenses until all such expenses have

been reimbursed, or twenty (20) years, whichever first occurs. Notwithstanding the previous sentence, there shall be a limitation on the reimbursement of the Developer's eligible expenditures (the "**TIF Cap**"), as follows;

- a. Except to reimburse the City's expenses as described in paragraph 7., below, all tax increment shall be available to reimburse up to \$3,500,000 of the Developer's redevelopment project costs (the "**Cap Amount**"). The Cap Amount shall not include interest costs that the Developer is also entitled to recover that shall be at the Developer's actual borrowing rate (but not to exceed the WSJ Prime Rate plus 1%) calculated from the date such eligible costs are advanced by the Developer.
 - b. After the reimbursement of the Cap Amount, any additional TIF revenue shall be allocated to the Developer to repay the Developer for eligible costs associated with the North Project, but in no event shall the cumulative amount of reimbursements paid to the Developer relating directly to the North Project and these additional payments generated by the South Project exceed the lesser Developer's actual redevelopment project costs plus interest thereon associated with the North Project, or the Cap Amount specified in the North Project Redevelopment Plan Agreement.
6. Eligible expenses incurred by the Developer prior to the formation of the District shall be eligible for reimbursement.
 7. The City will be entitled to reimbursement for all of the City's actual and adequately documented expenses, including the City's reasonable attorneys' fees.
 8. The Developer will be entitled to reimbursement for all of the Developer's actual and adequately documented expenses, including the Developer's reasonable attorneys' fees, to the fullest extent permitted by the Act.
 9. All revenues from an additional one percent (1%) sales tax charged by the Project pursuant to a Transportation Development District (the "**TDD**") affecting a portion of the Project Area will be held in the appropriate account in accordance with K.S.A. 12- 17,140 et seq.

This Plan does not contain a relocation assistance plan described in K.S.A. 12-1772(a)(4), because the City will not acquire any real property in the District while carrying out the provisions of the TIF Act. Furthermore, no residential tenants presently occupy any portion of the structures that will be demolished in connection with Project.

V. CONCLUSION

The Project will create approximately 121,908 square feet of new development in Lawrence, which will generate approximately \$6,210,276 in increased real estate and local sales taxes during the twenty (20) year lifespan of the Project. The TDD sales tax will generate an estimated \$1.18 million in additional revenue, of which \$850,000 will first be used to repay the City for its investment in the existing parking structure, and the remaining portion will be used to pay for eligible TDD expenses. There will be approximately \$7.1 million in redevelopment project costs (TIF and TDD), including interest, required to construct the Project. Direct reimbursement from the TIF fund will reimburse redevelopment project costs to the extent tax increment is available, subject to the TIF Cap. The balance of any unpaid redevelopment project costs associated with the South Project will be paid for by Developer, and the balance of any unpaid redevelopment costs associated with the Art Commons project will be paid for by the City.

RESOLUTION NO. 6967

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The City of Lawrence, Kansas (the "City") is considering the establishment of a redevelopment district pursuant to K.S.A. 12-1770 et seq., as amended (the "Act").

Section 2. Notice is hereby given that a public hearing will be held by the City to consider establishment of a redevelopment district on July 24, 2012 in the Commission Meeting Room located in City Hall, 6 East 6th Street, commencing at 6:35 p.m. or as soon thereafter as the public hearing may be held.

Section 3. The proposed redevelopment district is bounded on the north by 8th Street, on the east generally by the alley between New Hampshire and Rhode Island, on the south by 10th Street, and on the west generally by New Hampshire. A map of the redevelopment district is attached hereto as **Exhibit A**. The boundaries of the redevelopment district are legally described as shown on **Exhibit B** hereto.

Section 4. The district plan for the proposed redevelopment district provides for the redevelopment district to include two project areas, which are depicted on the map attached hereto as **Exhibit A**. The buildings and facilities to be constructed within each project area within the redevelopment district are generally described as follows:

North Project Area

Planned mixed-use apartment and banking center with between 90 to 120 apartment units and bank and apartment amenity space located on the first floor with an underground parking facility, and related public and private infrastructure.

South Project Area

Planned mixed-use 81 unit hotel with retail space and hotel lobby on the first floor, underground parking and related public and private infrastructure.

This area will also include a proposed project related to the Lawrence Arts Center, an Arts Commons space. This Arts Commons is intended to serve as a public arts space, managed and curated by the Arts Center, featuring a park-like setting and perhaps a built structure. This space would be located on the Salvation Army tract located directly south of the Arts Center. The space could be a venue for public art exhibitions, theatrical productions, music, film and art-making activities. The green space would also provide space for children attending the arts-based preschool and other educational programs the opportunity to work and play outside. The building, paid for and constructed by the Arts Center through a future capital campaign could help define the public green space and add classroom, preschool, studio and exhibition space. The project includes funding for site acquisition and preparation.

Section 5. A description and map of the proposed redevelopment district are available for inspection and copying in the offices of the City Clerk, City Hall, 6 East 6th Street, Lawrence, Kansas, Monday through Friday (other than holidays) between 8:00 a.m. and 5:00 p.m.

Section 6. The Governing Body will consider the findings necessary for the establishment of a redevelopment district after conclusion of the public hearing.

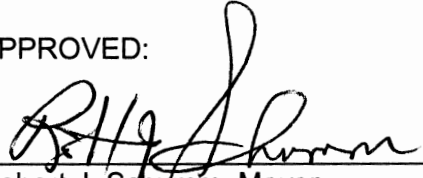
Section 7. The City Clerk is hereby authorized and directed to publish this resolution once in the official city newspaper not less than one week or more than two weeks preceding July 24, 2012, the date set for the public hearing. The City Clerk is also authorized and directed to mail a copy of this resolution via certified mail, return receipt requested to the board of county commissioners, the board of education of any school district levying taxes on property within the proposed redevelopment district, and to each owner and occupant of land within the proposed redevelopment district, not more than 10 days following the date of the adoption of this Resolution.

Section 8. This Resolution shall become effective upon its adoption by the Governing Body.

ADOPTED by the Governing Body on June 19th, 2012.

SIGNED by the Mayor on June 19th, 2012.

APPROVED:


Robert J. Schumm, Mayor

ATTEST:

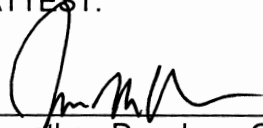

Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT

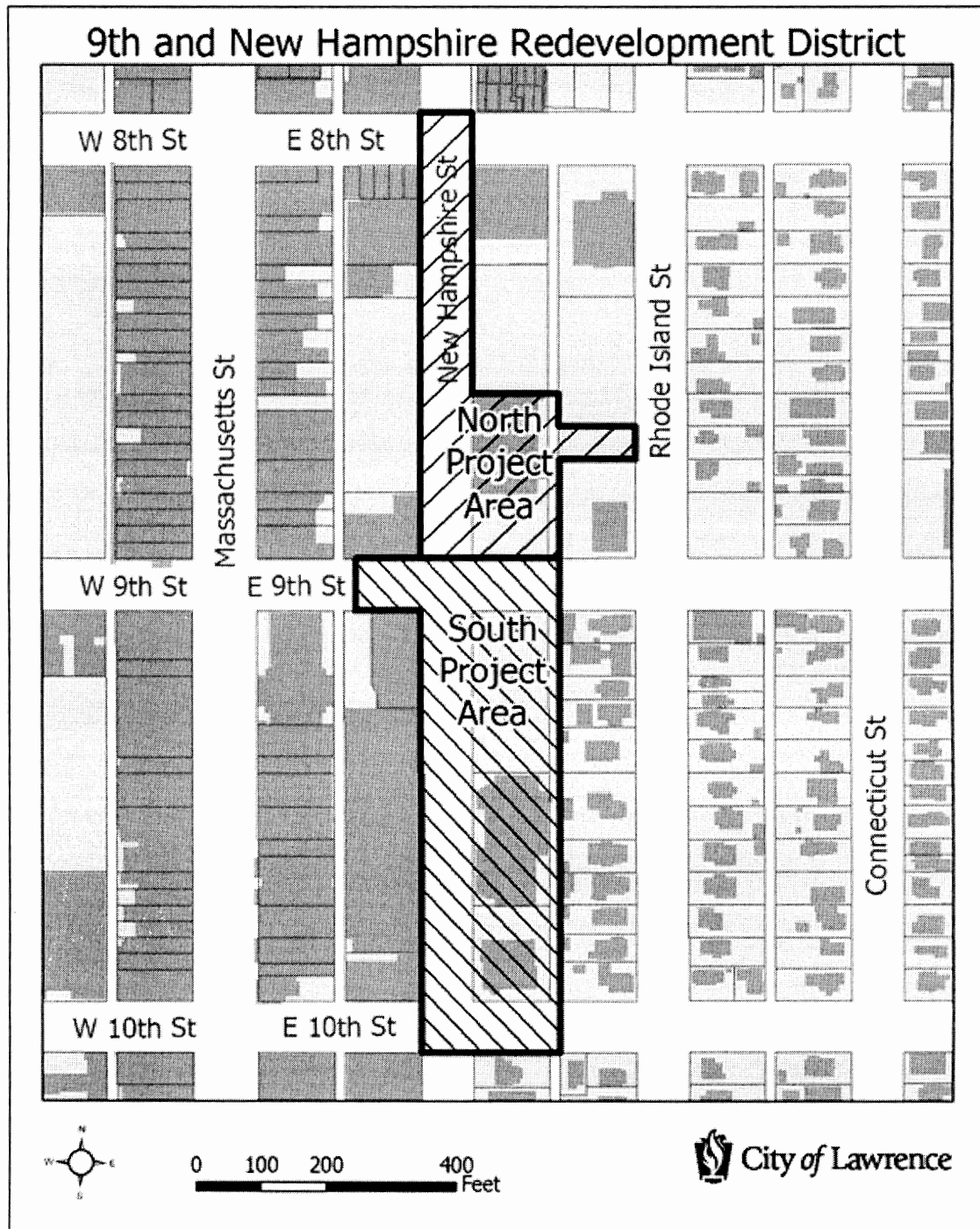


EXHIBIT B

LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

South Project Area

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

RESOLUTION NO. 6968

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING CERTAIN FINDINGS AND DECLARATIONS REGARDING CERTAIN PROPERTY WITHIN THE CITY LIMITS.

WHEREAS, it is desirable and in the public interest that the City make surveys and prepare plans in order to undertake and carry out redevelopment in that area proposed as a redevelopment district situated in the City which is delineated on the map attached hereto as **Exhibit A**, which is attached to and made a part of this Resolution, and legally described in **Exhibit B**, which is attached to and made a part of this Resolution; and

WHEREAS, the area as depicted in **Exhibit A** and **Exhibit B** is part of an enterprise zone since such area was part of the area of the City designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

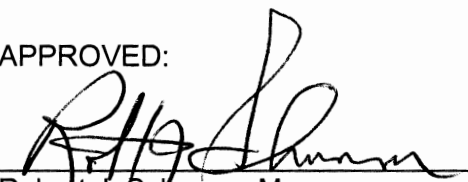
Section 1. The Governing Body finds that the area described in **Exhibits A and B** attached hereto was part of the area of the City designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal.

Section 2. The redevelopment of the area described in **Exhibits A and B** attached hereto is necessary for the general and economic welfare of the City, and that the undertaking by the City of surveys and plans for a redevelopment district in the proposed area is hereby approved.

ADOPTED by the Governing Body on June 19th, 2012.

SIGNED by the Mayor on June 19th, 2012.

APPROVED:


Robert J. Schumm, Mayor

ATTEST:

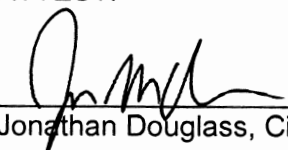

Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT

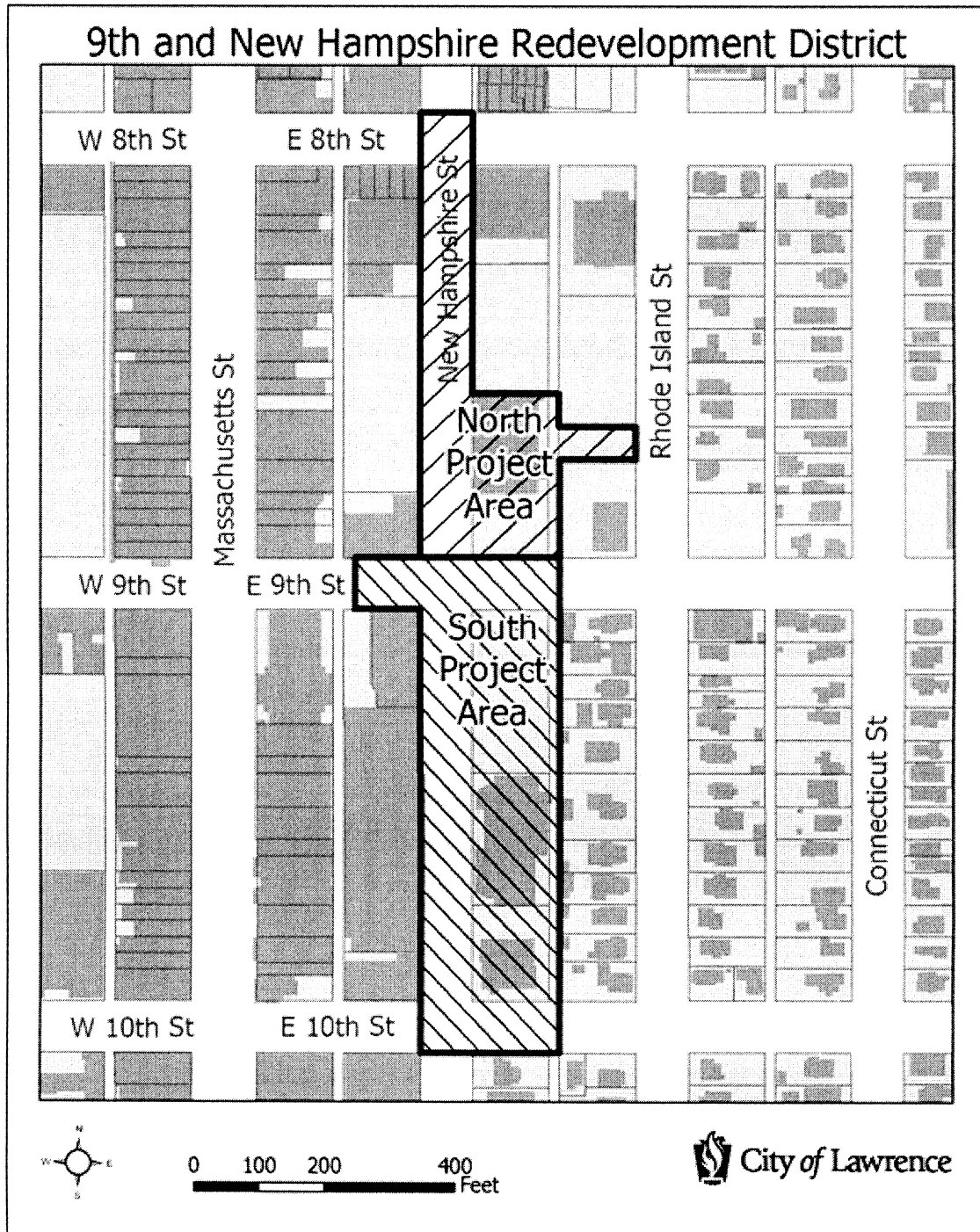


EXHIBIT B

LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

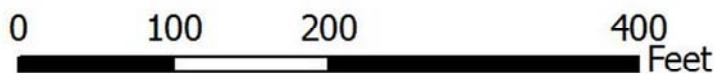
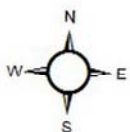
North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

South Project Area

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

9th and New Hampshire Redevelopment District



City of Lawrence

ORDINANCE NO. 8728

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING FINDINGS AND REMOVING CERTAIN PROPERTY FROM THE REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO (900 NEW HAMPSHIRE).

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Lawrence, Kansas (the "City") is authorized to establish redevelopment districts within a defined area of the City which is an "eligible area" as said term is defined in the Act; and

WHEREAS, pursuant to the Act and Ordinance No. 7127 adopted on August 3, 1999, the governing body established a redevelopment district in City (the "Redevelopment District") consisting of both the East and West Side of New Hampshire Street from 9th Street to 10th; and

WHEREAS, pursuant to the Act and Ordinance No. 7207 adopted on April 11, 2000, the governing body approved a redevelopment plan (the "Redevelopment Plan") for the Redevelopment District; and

WHEREAS, pursuant to the Act the City desires to remove certain property from the Redevelopment District and has prepared a feasibility study (the "Feasibility Study") that shows that the tax increment revenue from the resulting Redevelopment District is expected to be sufficient to pay the redevelopment project costs under the Redevelopment Plan; and

WHEREAS, the City desires to remove the property shown on **Exhibit A** and legally described on **Exhibit B** from the Redevelopment District;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The Governing Body hereby finds that the Feasibility Study presented to the Governing Body satisfies the provisions of K.S.A. 2010 Supp. 12-1771(i)."of the Act.

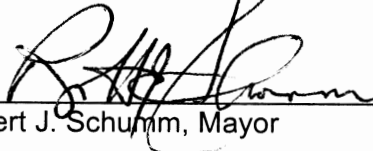
Section 2. The Governing Body hereby removes the property legally described on **Exhibit B** from the Redevelopment District.

Section 3. The City Clerk is directed to give notice to the Douglas County Clerk and Appraiser to revise the base year assessed valuation of the Redevelopment District in accordance with the Act.

Section 4. This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.


PASSED by the governing body of the City on July 24th, 2012 and **APPROVED AND SIGNED** by the Mayor.

APPROVED:



Robert J. Schumm, Mayor

ATTEST:



Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF REMOVED PROPERTY FROM REDEVELOPMENT DISTRICT

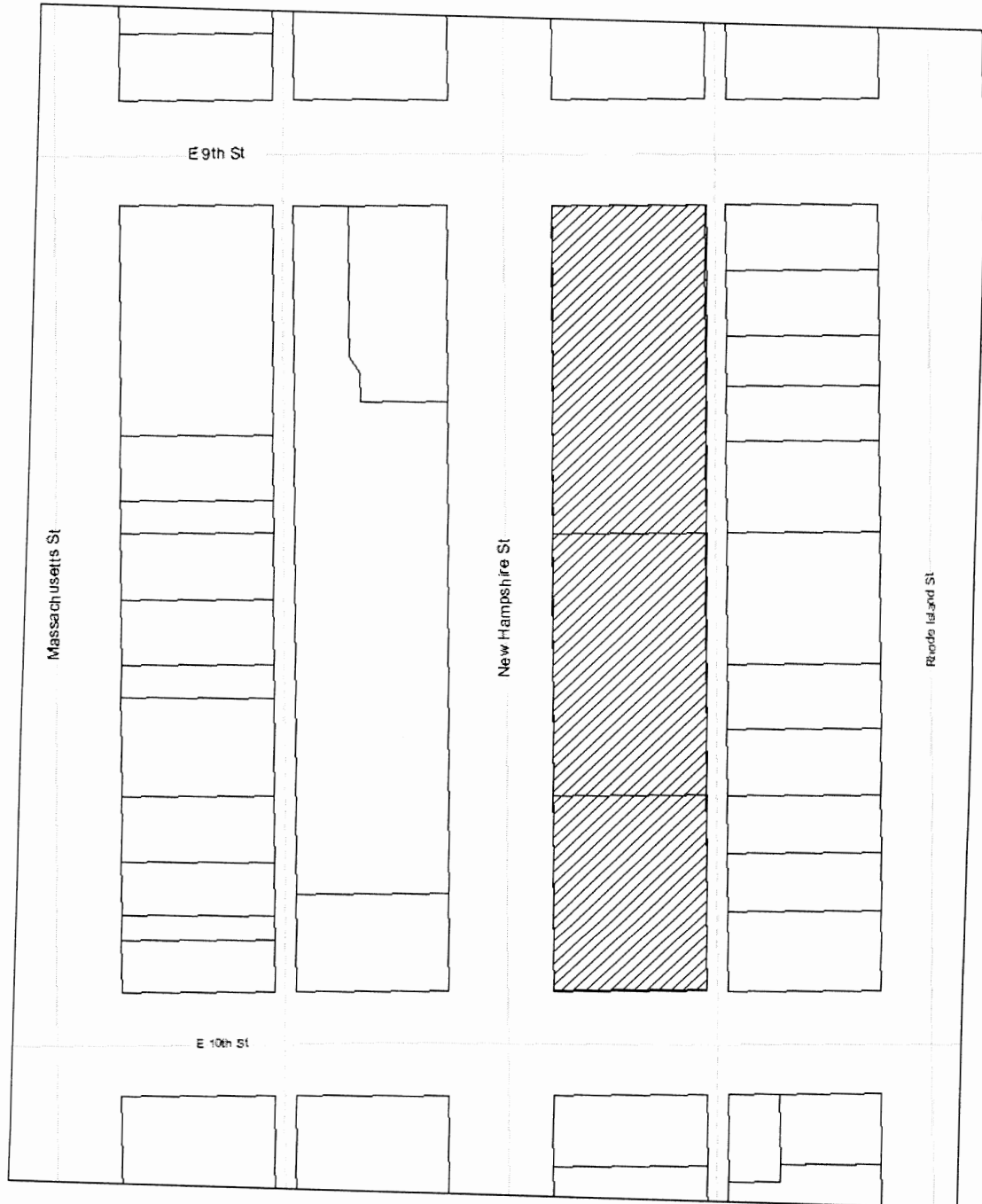


EXHIBIT B

LEGAL DESCRIPTION OF REMOVED PROPERTY FROM REDEVELOPMENT

DISTRICT

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, and adjacent right-of-way of 9th Street to the north and adjacent right-of-way of New Hampshire Street to the west

ORDINANCE NO. 8768

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Lawrence, Kansas (the "City") is authorized to establish redevelopment districts within a defined area of the City which is found by the City to be an "enterprise zone" as defined in the Act, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Governing Body adopted Resolution No. 6967 on June 19, 2012 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on July 24, 2012; and

WHEREAS, the Governing Body adopted Resolution No. 6968 making a finding that the area of the proposed Redevelopment District as hereinafter described was properly designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal; and

WHEREAS, notice of the public hearing was given as required by the Act, except that the Douglas County Commission and the Board of Education of USD #497 have each waived the required notice to them under the Act; and

WHEREAS, the public hearing was held on July 24, 2012 and closed on the same day; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property was found by the governing body to have been designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal.

SECTION 2. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

SECTION 3. The Governing Body hereby establishes the Redevelopment District, which shall include two project areas as depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within each project area, generally described as follows:

North Project Area

Planned mixed-use apartment and banking center with between 90 to 120 apartment units and bank and apartment amenity space located on the first floor with an underground parking facility, and related public and private infrastructure.

South Project Area

Planned mixed-use 81 unit hotel with retail space and hotel lobby on the first floor, underground parking and related public and private infrastructure.

This area will also include a proposed project related to the Lawrence Arts Center, an Arts Commons space. This Arts Commons is intended to serve as a public arts space, managed and curated by the Arts Center, featuring a park-like setting and perhaps a built structure. This space would be located on the Salvation Army tract located directly south of the Arts Center. The space could be a venue for public art exhibitions, theatrical productions, music, film and art-making activities. The green space would also provide space for children attending the arts-based preschool and other educational programs the opportunity to work and play outside. The building, paid for and constructed by the Arts Center through a future capital campaign could help define the public green space and add classroom, preschool, studio and exhibition space. The project includes funding for site acquisition and preparation.

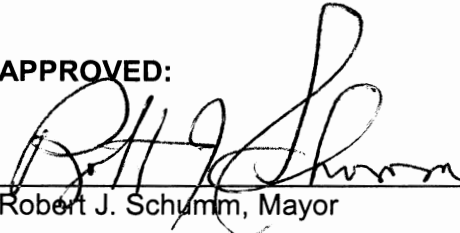
SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this 7th day of August, 2012.

SIGNED by the Mayor this 7th day of August, 2012.

APPROVED:


Robert J. Schumm, Mayor

ATTEST:

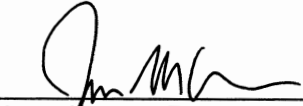

Jonathan M. Douglass, City Clerk

EXHIBIT A

**MAP OF REDEVELOPMENT DISTRICT
AND PROJECT AREA**

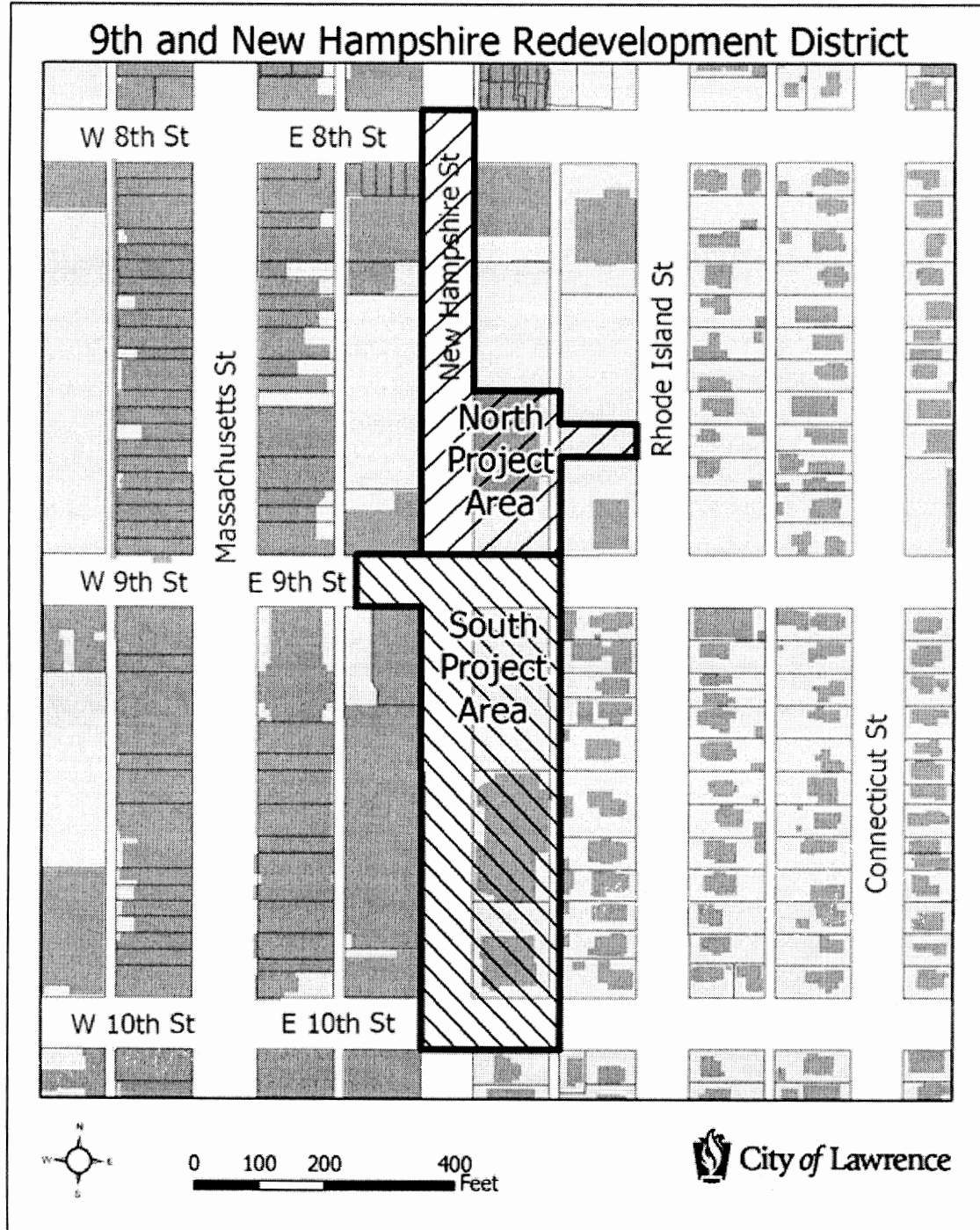


EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

South Project Area

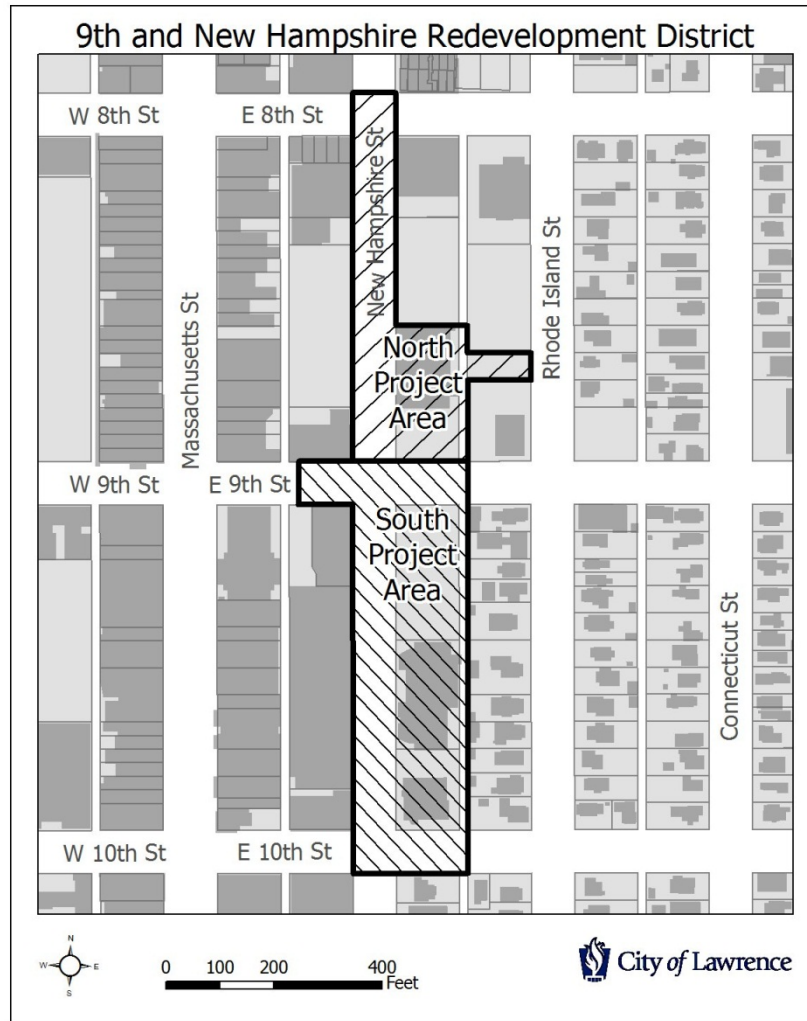
Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

EXHIBIT E: ILLUSTRATION AND DESCRIPTION OF TIF PROJECT BUILDINGS AND
STRUCTURES





EXHIBIT F: MAP AND LEGAL DESCRIPTION OF SOUTH PROJECT AREA



South project area legal description:

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

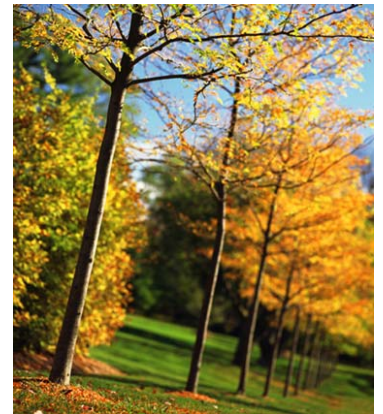
Exhibit G: Pre-Design Public and Private Infrastructure Construction Cost Estimates

Parking Garage	
General Conditions	\$105,099.00
Underground Concrete Structure (89 Spaces)	\$1,400,000.00
Excavation	\$290,000.00
(2) Overhead Doors w/Access Control System	\$37,000.00
Electrical Distribution to Space	\$60,000.00
Heat/Vent	\$65,000.00
Steel Beams/Stairs/Misc.	\$110,000.00
Elevator/Stops	\$25,000.00
Dry Sprinkler system	\$30,000.00
Subtotal	\$2,122,099.00
2% Cont.	\$42,441.98
5% OH&P	\$106,104.95
5% Arch.	\$106,104.95
Sub-total	\$2,376,750.88
Interest Carry Costs	\$130,721.30
TOTAL Approximate Value	\$2,507,472.18
Site Improvement Costs	
Permit Cost	\$52,000.00
Bond Costs	\$3,000.00
Insurance	\$1,750.00
Project Manager	\$1,500.00
Superintendent	\$4,750.00
Assistant Superintendent	\$3,000.00
Street Lights	\$60,000.00
Dumpsters	\$10,000.00
Job Site Sign	\$1,900.00
Layout	\$5,960.00
Landscaping	\$23,000.00
Paving	\$75,000.00
Site Utilities	\$155,000.00
Safety	\$2,650.00
Equipment	\$2,575.00
Engineering	\$9,050.00
Phase II	\$4,000.00
Westar Fees	\$150,000.00
Wastewater Fees (1.5", 1.5", 1.5", 2",3")	\$83,160.00
Meter Fees, (1.5", 1.5", 1.5", 2",3")	\$67,080.00
Subtotal	\$715,375.00
2% Cont.	\$14,307.50
5% OH&P	\$35,768.75
5% Arch.	\$35,768.75
Sub-total	\$801,220.00
Interest Carry Costs	\$44,067.10
TOTAL Approximate Value	\$845,287.10
Total Parking Costs (from above)	\$2,507,472.18

Total Site Improvement Costs (from above)

\$845,287.10

\$3,352,759.28



Redevelopment Project Financial Feasibility Study

For the 9th and New Hampshire Redevelopment District

City of Lawrence, Kansas

Final June 27, 2012

Table of Contents

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Mission Statement

Springsted provides high quality, independent financial and management advisory services to public and non-profit organizations, and works with them in the long-term process of building their communities on a fiscally sound and well-managed basis.

1. Overview

Statutory Basis and Process

Sections 12-1770 through 12-1780 of the Kansas Statutes ("the Act") provide a means for cities to finance public development and redevelopment costs with incremental real estate taxes and other revenues. The purpose of the Act is to "promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities and to assist in the development and redevelopment of eligible areas within and without a city thereby promoting the general welfare of the citizens of this state..."

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is an "eligible area" under the Act. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general economic welfare of the city.

The proposed redevelopment district boundaries are irregular and extend along the east side of New Hampshire Street from East 10th Street on the South to 8th Street on the North. A map of the redevelopment district is attached hereto as Exhibit I. The district plan for the proposed redevelopment district provides for the redevelopment district to include two project areas, the North and South project areas, which are depicted on the map attached hereto as Exhibit I, the two projects fully encompass the boundaries of the Redevelopment District.

Proposed for development in the South Project Area, is the construction of a four-story mixed-use hotel, commercial, and apartment building with corresponding site improvements, and an underground parking structure. The building is proposed to include approximately 81-hotel units, 8 apartments, and 7,021 square feet of first floor retail space, and a 4,578 square foot restaurant located on the building's roof. The related site improvement costs include; street lights, landscaping, paving, site utilities and utility fees associated with the development. The underground parking structure is proposed to include approximately 114 spaces.

Proposed for development in the North Project Area, is the construction of a seven-story mixed-use commercial and apartment building, with corresponding site improvements, and an underground parking structure. The building is proposed to include approximately 114 rental apartment units, 11,500 square feet of commercial/retail space, and an 11,000 square foot clubhouse space. Site improvements are proposed to be completed in conjunction with the development, though the specific costs are estimates at this point in time. The underground parking structure is proposed to include approximately 120 parking spaces.

On October 2, 2012, the governing body will open the Public Hearing to receive comment regarding the establishment of the Redevelopment District ("the District," see Exhibit I), adoption of the Ordinance No.____ occurred on _____. The general comprehensive plan for the District identifies the potential redevelopment project areas located within the District and the suitability of each such area for redevelopment (see below).

One or more redevelopment projects may be undertaken within each district. The Act requires all projects to be completed within 20 years from the date of the approval of a project plan, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency.

For each redevelopment project undertaken within the District, a project plan ("the Project Plan") must be prepared in consultation with the City-County Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Financial Feasibility Study (this document).
2. A reference to the District Plan for the District.
3. A description and map of the area to be redeveloped.
4. The Relocation Assistance Plan.
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Feasibility Study

The Financial Feasibility Study will show that a) the Project's benefits, tax increment revenue, and other available revenues under K.S.A. 12-1774(a)(1) are expected to exceed or be sufficient to pay for all Project costs as defined by K.S.A. 12-1773, including the payment of principal and interest of debt used to finance the redevelopment project; and b) the effect, if any, the redevelopment project costs will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D).

The City is currently considering the establishment of two projects, the South Project Area and the North Project Area ("the Projects", see Exhibit I). Establishment of the Projects is being considered to reimburse the Developer for eligible costs associated with the redevelopment of the South Project Area into a mixed-use hotel, apartment, and commercial building, and the redevelopment of the North Project Area into a mixed-use apartment and commercial building. The Developer is requesting reimbursement for eligible costs associated with site improvements and underground parking structures, for both Project Areas.

The Developer has requested that the City provide tax increment financing (TIF) assistance through pay-as-you-go financing for both Project Areas. The City will determine the total size of the financing based solely on the property and sales tax increment generated by the Projects (property and sales tax increment and inflationary property tax increment from properties within each of the Redevelopment Project boundaries).

In a separate but related matter, the Developer has also requested City authorization to establish a Transportation Development District to assist in financing the construction of the underground parking garage in the South Project Area through a specially levied sales tax. The boundaries of the proposed Transportation Development District will be only those occupied by the South project.

2. General Description of Tax Increment

Tax increment financing for the Project will use both property and sales tax revenues.

Tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed valuation of all taxable real estate within the district is determined. This valuation is referred to as the district's "Base Year Assessed Valuation." Property taxes attributable to the district's Base Year Assessed Valuation are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed valuation of the district in any given year will presumably exceed its Base Year Assessed Valuation. Tax increment means that amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation. All tax increment is collected by the county and distributed to the city to be deposited in a "special fund."

Tax increment funds may only be used to pay for specified eligible project costs, including principal and interest on debt used, in whole or in part, to finance projects within a redevelopment district. Such debt includes notes, special obligation bonds, full faith and credit tax increment bonds, and other debt instruments. Tax increment also may be paid to a developer/owner over time as reimbursement for eligible costs incurred up-front. This payment mechanism is commonly referred to as pay-as-you-go financing and may include not only the principal amount of such costs but also all or a portion of the interest accrued thereon.

The City is responsible for determining the amount of sales taxes allocated to the Projects each year based on the Redevelopment Plan. The City intends to capture all sales taxes generated by the taxpayers doing business within the boundaries of the South Project Area attributable to the taxes levied by the City and the County. The City does not anticipate any additional sales taxes generated by properties within the North Project Area. If a substantial change occurs to the properties, additional unforeseen revenues may be generated.

3. Project Descriptions

The South Project:

The 900 New Hampshire project (the “South Project Area”) consists of 3 parcels of land located largely on the east side of New Hampshire Street, between East 9th Street and East 10th Street. The north parcel (900 New Hampshire), located on the southeast corner of E. 9th Street and New Hampshire Street, is proposed to be redeveloped into a mixed-use hotel, apartment and commercial project. This parcel is classified as commercial and has a statutory property classification rate of 25.0%. The developer has ownership of the site and will demolish any existing structures for the redevelopment.

The two additional parcels in the project are both exempt from taxation, with one parcel owned by the City, and the other by a non-profit entity. These parcels are included to allow for the funding of City expenses related to the potential acquisition of the non-profit owned parcel and the expansion of the existing City Arts Center. These parcels are projected to remain exempt from taxation for the duration of the proposed TIF District.

The total Base Year Assessed Valuation of the South Project Area as assessed in 2012 for taxes payable in 2012/2013, is estimated at \$62,227, based on the 2012 assessment (see Exhibit II for individual parcel details).

Based on development plans provided by the Developer, Springsted has estimated the South Project’s total fair market value upon completion in 2014 (assessed January 1, 2015) at \$6,870,042, and the total assessed value at \$1,567,540. The property tax increment generated in any given year will be determined by the South Project’s increase in Current Assessed Valuation over its Base Year Assessed Valuation (value as of January 1, 2012).

Based on projected sales activity provided by the Developer, Springsted has estimated the South Project’s total taxable sales at \$5,047,966 by 2015. The sales tax increment generated in any given year will be determined by the City and be equal to the amount generated by the taxpayers doing business within the boundaries of the South Project Area.

The North Project:

The North project (the “North Project Area”) consists of 2 parcels of land located largely on the east side of New Hampshire Street, between East 8th Street and East 9th Street. The two parcels, located on the northeast corner of E. 9th Street and New Hampshire Street, are proposed to be redeveloped into a mixed-use apartment and commercial project. These parcels are classified as commercial and have a statutory property classification rate of 25.0%. The developer has ownership of the site and will demolish any existing structures for the redevelopment.

The total Base Year Assessed Valuation of the North Project Area as assessed in 2013 for taxes payable in 2013/2014, is estimated at \$250,000 (see Exhibit II for individual parcel details). While the Developer has purchased the two parcels in the North Project Area, at the time of the most recent assessment the parcels were owned by a gas utility. Therefore, the Developer’s estimate of a Base Year Assessed Valuation of \$250,000 is used for the purposes of projecting TIF revenue.

Based on development plans provided by the Developer, Springsted has estimated the South Project’s total fair market value upon completion in 2014 (assessed January 1, 2015) at \$17,042,639, and the total assessed value at \$2,229,903. The property tax increment generated in any given year will be determined by the South Project’s increase in Current Assessed Valuation over its Base Year Assessed Valuation (as of January 1, 2013).

The Developer is not assuming any taxable sales generated in the North Project Area; however if substantial changes occur, additional unforeseen revenues may be generated.

4. Projected Revenues (Benefits)

Tax Increment Revenue

Increased Assessed Value

The City has the ability to use up to 100% of the property tax increment generated by the Project based on its increase in Current Assessed Valuation over its Base Year Assessed Valuation, as is illustrated below for the Projects at full assessment in 2015.

South Project

Projected Total Fair Market Value <u>(1/1/2015)</u>	<u>Class/Rate</u>	Projected Total Assessed Value <u>(1/1/2015)</u>
\$5,759,147	CU/25.00%	1,439,787
\$1,110,895	RES/11.50%	127,753
\$9,030,690	EQ/0.0%	<u>0</u>
	Original Assessed Value	<u>(62,227)</u>
	Increased Assessed Value	1,505,313

North Project

Projected Total Fair Market Value <u>(1/1/2015)</u>	<u>Class/Rate</u>	Projected Total Assessed Value <u>(1/1/2015)</u>
\$2,000,000	CU/25.00%	500,000
\$15,042,639	RES/11.50%	<u>1,729,903</u>
	Original Assessed Value	<u>(250,000)</u>
	Increased Assessed Value	1,979,903

The Developer estimates that the Total Assessed Value of the Project will increase at approximately 2.0% annually over the life of the Projects. Exhibit II (Assumptions Report) details many of the assumptions used in the projection of values and tax increments for both Projects. Column 4 in Exhibit III (Projected Property and Sales Tax Increment & TDD) shows the projected Increased Assessed Valuation of each Project over its maximum duration.

Property Tax Rates

In order to determine the amount of tax increment generated by the Projects in any given year, the Increased Assessed Value of the Project must be multiplied by the sum of the tax rates for all TIF-applicable tax authorities for that year.

For taxes levied in 2010 and payable in 2010/2011, this total TIF-applicable rate is 103.823 mills. We assume this rate remains fixed through-out the term of the District.

<u>Jurisdiction</u>	<u>TIF Eligible Mill Rate (2010/2011)</u>
City of Lawrence	28.612
Douglas County	35.773
497 Lawrence S/D	<u>39.438</u>
Total	103.823

Projected Property Tax Increment

The projected tax increment generated for each of the Projects over a 20-year period is shown in column 10 of Exhibit III (Projected Property and Sales Tax Increment & TDD). If the South project is approved by the City in October, 2012, the Project would be eligible to receive increment in 2014/2015 through the first-half 2032/2033 collection. No public hearing date has been set for the North project, but collections are projected through the first-half 2032/2033 collection. The tax increment projections are based on Base Year assessed valuations, increased assessed valuations, and tax rates as previously discussed. It is assumed in all years of the report that 100% of property taxes are paid when due. The total property tax increments projected for the South Project are \$3,389,654; total property tax increments projected for the North Project are \$4,430,765. The cumulative amount of property tax increments projected for the entire District is \$7,820,419.

Projected Sales Tax Increment

The South Project is also eligible to receive sales tax generated within the District. The City currently levies a 1.55% sales tax and the County also levies a 1% sales tax. The City intends to collect all City and County sales taxes generated by taxpayers doing business in the South Project area, to pay for redevelopment project costs, including the payment of debt service. The County will need to separately approve the collection of the sales tax revenue for the South Project.

The Developer projects initial year annual sales of \$5,579,209 from the hotel and commercial uses. Springsted projects that up to 30% of the hotel portion of the sale revenue may be exempt from taxation per Kansas Statute. Therefore, the estimated annual taxable sales are decreased to \$5,047,966.

Based on a 2.55% applicable sales tax rate (City and County) the stabilized annual sales tax revenue projected is \$128,723. The Developer expects total and taxable sales to increase by 2.0% annually for the term of the project resulting in total projected sales tax revenue over the term of the Project of

\$2,820,622 (see column 9 of Exhibit III – Projected Property and Sales Tax Increment & TDD for further details).

The combination of property and sales tax increment projected for the South Project area over the 20-year period starting from approval is estimated to be \$6,210,276. The total property and sales tax increment generated for the entire District is \$10,641,041.

Projected TDD Sales Tax Revenues

As stated earlier, the Developer is requesting the establishment of a Transportation Development District, for the South Project Area, which would impose a 1.0% sales tax to defer eligible project costs. The revenue projected from the sales tax is estimated at \$1,178,224 over the maximum 22-year collection period.

Developer Revenue

The Developer will fund the total anticipated cost of the combined private developments of \$44,897,960 up front. The expected funding will be comprised of \$33,673,469 of private debt and \$11,224,491 of equity.

City Administration

At this time, the City does not anticipate retaining tax increment for administrative and capital expenditures outside of the Project.

5. Projected Expenditures (Costs)

Based on current projections, the Developer estimates the total cost for the South Project site improvements are \$845,287 and an additional \$2,507,472 for the underground parking. The Developer will finance these South Area Project costs of \$3,352,759, and request reimbursement from TIF/TDD revenue, including interest expense. The Developer is seeking reimbursement for interest expenses on their financing of this amount, at an interest rate of 5.5%; which equates to an approximate interest expense of \$2,058,529. The total projected private expenditures in the South Project area are \$5,411,288 including the estimated interest expense.

Additionally, the City is anticipating reimbursing project costs incurred in the development of the existing parking garage of \$850,000 as well as a \$900,000 for the Lawrence Arts Commons. This brings the total project costs to be funded from TIF/TDD revenue in the South Project Area to \$7,161,288.

The projected total TIF/TDD revenue of \$7,388,499 generated in the South Project Area is sufficient to cover this total cost of \$7,161,288. The funding of the \$850,000 of costs incurred in the development of the existing parking garage, will be required to come from the TDD revenue generated by the South Project Area. The South Project Area TDD revenue projection totals \$1,178,224, which will be used first to fund the \$850,000 City project cost, with any remaining TDD revenue available for the reimbursement of Developer TDD eligible costs. The City anticipates at a minimum 5% of annual South Project Area TIF revenue will be dedicated to repayment of the \$900,000 Lawrence Arts Commons project costs.

If South Project Area revenues are received at a greater rate than currently project, the amount of interest expense incurred in reimbursing the Developer will be reduced due to the shorter repayment period. For the purposes of estimating the total increment cost, we have assumed an amortization for the term of the projected revenues at the Developer's requested interest rate of 5.5%.

The Developer estimates the total cost of the North Project site improvements are \$800,000 and an additional \$2,639,400 for the underground parking. The Developer will finance these North Area Project costs of \$3,439,400, and request reimbursement from TIF revenue, including interest expense. The Developer is seeking reimbursement for interest expenses on their financing of this amount, at an interest rate of 5.5%; which equates to an approximate interest expense of \$2,111,725. The total projected private expenditures in the North Project Area are \$5,551,125 including the estimated interest expense.

However, the projected North Area TIF revenue is insufficient to cover this total cost and the Developer will only be reimbursed up to the revenue collected during the statutory term of the Project. There will be no obligation on the part

of the City to contribute any shortfalls required neither to finance the total \$3,439,400 construction cost nor to reimburse for interest expenditures.

Based on current projections, the City has the ability to expend a maximum of \$4,430,765 in North Project Area property and sales tax increment to assist the Project. The Developer has requested the City pledge property tax increment generated from the North Project Area to reimburse them for the total cost of the public infrastructure improvements and construction of the parking garage estimated at a total \$3,439,400 cost, plus interest expense.

The City proposes to execute a Redevelopment Agreement outlining a pledge of 100% of the property tax increment generated by the North Project Area, up to an amount necessary to reimburse the Developer for \$3,439,400 of construction costs, plus interest expense. The pledge will continue until 2033, the North Project Area's required termination date.

Although the City does not anticipate issuing tax increment bonds, if a request is made, the City will not pledge its full faith and credit (general obligation) to the payment of any such tax increment bonds.

6. Conclusions

South Project Area Conclusions

The Act requires that the Financial Feasibility Study demonstrate that a Project's benefits and other available revenues are expected to equal or exceed all Project costs.

The project benefits can be described in two forms: a) the amount of total revenues and other contributions received over the 20 year term of the Project; and b) the amount of project costs which can be financed by the revenues received over the applicable term. This second category represents the amount of bonds issued supported by the future revenues plus the other financial contributions.

The South Project Area Costs are here defined as the TIF/TDD eligible expenditures budgeted to complete the South Project and are estimated to total \$7,161,288, including estimated interest expenditures.

As to the total future revenues and other contributions, the available TIF revenues of the South Project through the first-half 2032/2033 collection are expected to be \$6,210,276, and the available TDD revenues of the Project through 2035 are expected to be \$1,178,224 (combined revenue of \$7,388,499).

The total South Project Area Costs to be funded are \$7,161,288, including interest costs over the statutory period, which the estimated South Project Area TIF/TDD revenues exceed. Given the assumptions and representations of various parties to the process, this feasibility study concludes that the South Area Project benefits, which include projected TIF/TDD revenue are sufficient to pay the South Area Project costs.

The Act also requires a determination of the effect the redevelopment project will have on any outstanding bonds supported by local transient guest and local sales and use taxes. The proposed South Area Redevelopment Project does not currently generate any sale or use taxes and therefore the approval of the collection of sales taxes within the Project area does not have any effect on any outstanding obligations.

North Project Area Conclusions

The Act requires that the Financial Feasibility Study demonstrate that a Project's benefits and other available revenues are expected to equal or exceed all Project costs.

The project benefits can be described in two forms: a) the amount of total revenues and other contributions received over the 20 year term of the Project; and b) the amount of project costs which can be financed by the revenues received over the applicable term. This second category represents the amount of bonds issued supported by the future revenues plus the other financial contributions.

The North Project Area Costs are here defined as the TIF eligible expenditures budgeted to complete the North Project and are estimated to total \$5,551,125, plus interest expenditures.

As to the total future revenues and other contributions, the available TIF revenues of the North Project Area through the first-half 2032/2033 collection are expected to be \$4,430,765. The Developer is requesting \$3,439,400, plus interest over the statutory period. The revenue is sufficient to reimburse the total North Area project costs, exclusive of interest reimbursement. Repayment of the total North Area Project Costs, and the estimated interest reimbursement of \$2,111,725, would require a Developer contribution of \$1,120,360 to complete the site improvements and parking garage, including financing costs related to debt issued to initially construct the project.

Given the assumptions and representations of the various parties to the process, this feasibility study concludes that the North Area Project benefits which include projected TIF revenue and Developer contributions of at least \$1,120,360 are sufficient to pay the project costs.

The Act also requires a determination of the effect the redevelopment project will have on any outstanding bonds supported by local transient guest and local sales and use taxes. The proposed North Area Redevelopment Project does not currently generate any sale or use taxes and therefore the approval of the collection of sales taxes within the Project area does not have any effect on any outstanding obligations.

EXHIBIT I MAP OF PROPOSED REDEVELOPMENT DISTRICT & PROJECTS

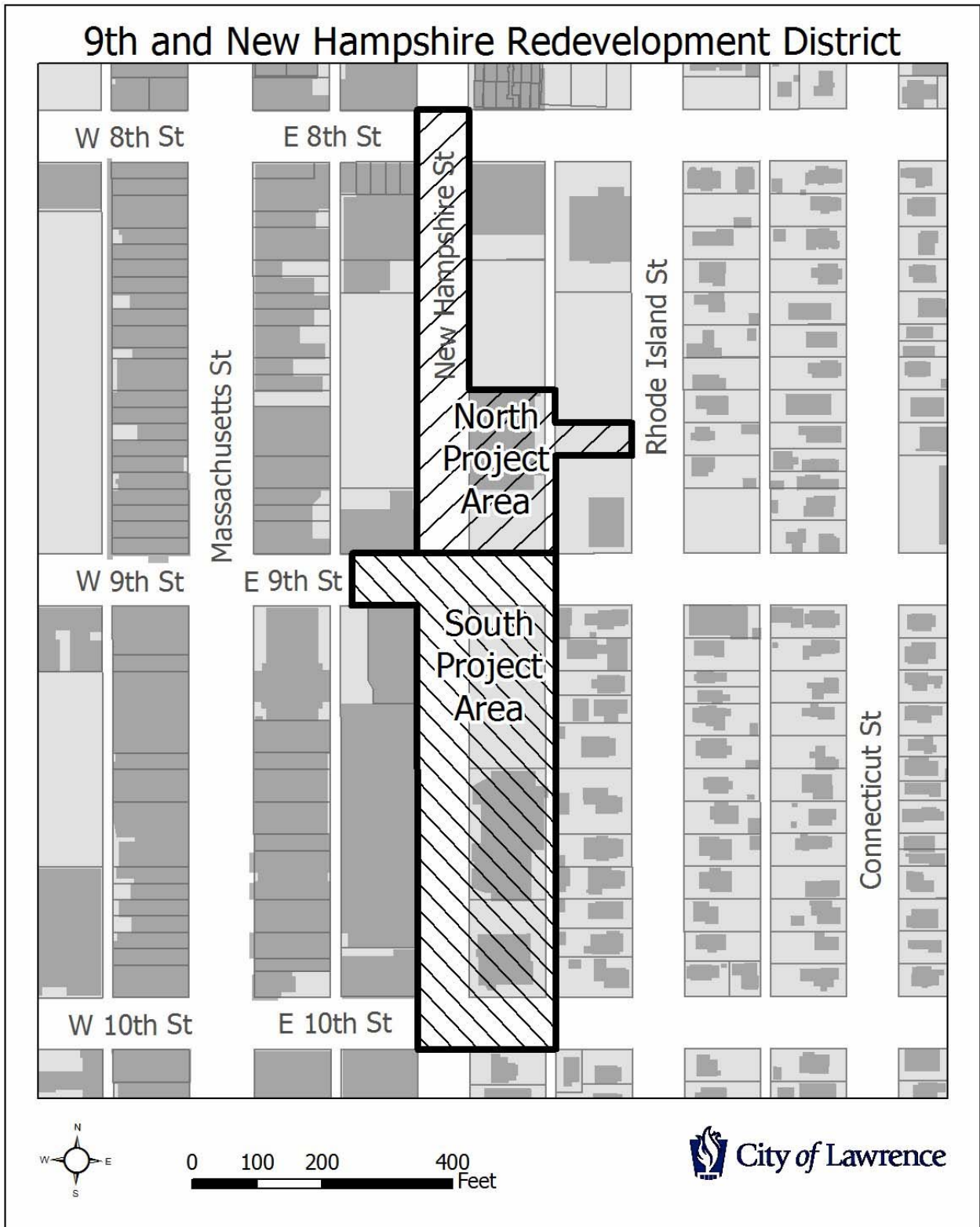


Exhibit II
TIF District and Redevelopment Project Area Assumptions

Exhibit II – Page 1 of 7

**City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area**

Original Assessed Value (1/1/12)		62,227
<u>2010/11 Mill Rates</u>	<u>Total</u>	<u>TIF Applicable</u>
State of Kansas	1.500	0.000
Douglas County	35.773	35.773
City of Lawrence	28.612	28.612
497 Lawrence S/D	27.738	27.738
497 Lawrence S/D-Gen	20.000	0.000
497 Lawrence S/D-Bond	11.700	11.700
Total	125.323	103.823
<i>Assume fixed rate</i>		
Property TIF Inflation Rate:	2.00%	
Sales Tax Inflation Rate:	2.00%	

Exhibit II - Page 2 of 7

**City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area**

Original Assessed Value (1/1/12)		250,000
<u>2010/11 Mill Rates</u>	Total	TIF Applicable
State of Kansas	1.500	0.000
Douglas County	35.773	35.773
City of Lawrence	28.612	28.612
497 Lawrence S/D	27.738	27.738
497 Lawrence S/D-Gen	20.000	0.000
497 Lawrence S/D-Bond	11.700	11.700
Total	125.323	103.823
<i>Assume fixed rate</i>		
Property TIF Inflation Rate:	2.00%	
Sales Tax Inflation Rate:	NA	

Exhibit II - Page 3 of 7

City of Lawrence, Kansas Redevelopment Tax Increment Financing District South Project Area

Assess 2007

Property Owner	Address	Parcel ID	2012 Appraised			2012 Assessed			Class
			Land	Building	Total	Land	Building	Total	
9-10 LLC	900 New Hampshire	023-079-31-0-20-18-002.00-0	518,560	-	518,560	-	62,227	62,227	VU
City of Lawrence	940 New Hampshire	023-079-31-0-20-18-006.01-0	388,580	7,900,940	8,289,520	-	-	-	EQ
Salvation Army	946 New Hampshire	023-079-31-0-20-18-010.00-0	371,250	369,920	741,170	-	-	-	EQ
Totals			1,278,390	8,270,860	9,549,250	-	62,227	62,227	
Estimated Assess 2012 Values			1,278,390	8,270,860	9,549,250	-	62,227	62,227	
(Base Year of Redevelopment TIF District)			Total Appraised Value			Total Assessed Value			

Exhibit II - Page 4 of 7

City of Lawrence, Kansas Redevelopment Tax Increment Financing District North Project Area

Assess 2007

Property Owner	Address	Parcel ID	2012 Appraised ¹⁾			2012 Assessed			Class
			Land	Building	Total	Land	Building	Total	
9-10 LLC	100 E 9th Street	023-079-31-0-20-15-006.00-0	1,000,000	-	1,000,000	250,000	-	250,000	CU
9-10 LLC	100 E 9th Street	023-079-31-0-20-15-008.00-0							
Totals			1,000,000	-	1,000,000	250,000	-	250,000	
Estimated Assess 2012 Values			1,000,000	-	1,000,000	250,000	-	250,000	
(Base Year of Redevelopment TIF District)			Total Appraised Value			Total Assessed Value			

1) Market value assumption provided by Developer. Will need to work with County to finalize market value as property is converted from gas utility.

Exhibit II - Page 5 of 7

City of Lawrence, Kansas Redevelopment Tax Increment Financing District South Project Area

Property Tax Increment

Base and Current Values		<u>Appraised</u>	<u>Assessed</u>		
Base - Assess January 1, 2012		9,549,250	62,227		
Est. Base - Assess January 1, 2012		9,549,250	62,227		
Assessment Rate:	25.00%	11.50%	25.00%	25.00%	
Project Components	<u>Hotel Units</u> <i>81 rooms</i>	<u>Apartment Units</u> <i>8 units</i>	<u>Retail Uses</u>	<u>Parking Uses</u>	<u>Total</u> 89
Estimated Square Footage	41,194	7,130	14,131	included in	62,455
Estimated Appraised Value per Unit/SF ¹⁾	\$49,383	\$138,862	\$124	NA	
Total Appraised Value	4,000,000	1,110,895	1,759,147	included in	6,870,042
Total Assessed Value	1,000,000	127,753	439,787	included in	1,567,540
New Development Appraised	<u>Hotel Units</u>	<u>Apartment Units</u>	<u>Retail Uses</u>	<u>Parking Uses</u>	
January 1, 2013	0%	0%	0%	NA	
January 1, 2014	85%	85%	85%	NA	
January 1, 2015	100%	100%	100%	NA	
Estimated Appraised Value	<u>Hotel Units</u>	<u>Apartment Units</u>	<u>Retail Uses</u>	<u>Parking Uses</u>	Total <u>Appraised</u>
January 1, 2013	0	0	0	included in	0
January 1, 2014	3,400,000	944,261	1,495,275	included in	5,839,536
January 1, 2015	4,000,000	1,110,895	1,759,147	included in	6,870,042
Estimated Assessed Value	<u>Hotel Units</u>	<u>Apartment Units</u>	<u>Retail Uses</u>	<u>Parking Uses</u>	Total <u>Assessed</u>
January 1, 2013	0	0	0	included in	0
January 1, 2014	850,000	108,590	373,819	included in	1,332,409
January 1, 2015	1,000,000	127,753	439,787	included in	1,567,540
Tax Increment	Total <u>Assessed</u>	Original <u>Assessed</u>	Captured <u>Assessed</u>		
Assess 2013/Distrib 2014	62,227	62,227	0		
Assess 2014/Distrib 2015	1,332,409	62,227	1,270,182		
Assess 2015/Distrib 2016	1,567,540	62,227	1,505,313		

NOTES:

1) For estimating the hotel value we used the Developer's assumption of \$4,000,000. For the apartment and retail uses we have estimated the value based on cap rates 7.0% and 7.5% respectively.

Exhibit II - Page 6 of 7

City of Lawrence, Kansas Redevelopment Tax Increment Financing District North Project Area

Property Tax Increment

Base and Current Values	<u>Appraised</u>	<u>Assessed</u>
Base - Assess January 1, 2012	1,000,000	250,000
Est. Base - Assess January 1, 2012	1,000,000	250,000

Assessment Rate:	11.50%	25.00%
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Project Components	<u>Apartment Units</u> <i>114 units</i>	<u>Commercial Uses</u>	<u>Parking Uses</u>	<u>Total</u> 114
Estimated Square Footage	106,500	22,500	included in	129,000
Estimated Appraised Value per Unit/SF ¹⁾	\$131,953	\$89	NA	
Total Appraised Value	15,042,639	2,000,000	included in	17,042,639
Total Assessed Value	1,729,903	500,000	included in	2,229,903

New Development Appraised ²⁾	<u>Apartment Units</u>	<u>Commercial Uses</u>	<u>Parking Uses</u>
January 1, 2013	0%	0%	NA
January 1, 2014	50%	50%	NA
January 1, 2015	100%	100%	NA

Estimated Appraised Value	<u>Apartment Units</u>	<u>Commercial Uses</u>	<u>Parking Uses</u>	Total <u>Appraised</u>
January 1, 2013	0	0	included in	0
January 1, 2014	7,521,320	1,000,000	included in	8,521,320
January 1, 2015	15,042,639	2,000,000	included in	17,042,639

Estimated Assessed Value	<u>Apartment Units</u>	<u>Commercial Uses</u>	<u>Parking Uses</u>	Total <u>Assessed</u>
January 1, 2013	0	0	included in	0
January 1, 2014	864,952	250,000	included in	1,114,952
January 1, 2015	1,729,903	500,000	included in	2,229,903

Tax Increment	Total <u>Assessed</u>	Original <u>Assessed</u>	Captured <u>Assessed</u>
Assess 2013/Distrib 2014	250,000	250,000	0
Assess 2014/Distrib 2015	1,114,952	250,000	864,952
Assess 2015/Distrib 2016	2,229,903	250,000	1,979,903

NOTES:

1) For estimating the hotel value we used the Developer's assumption of \$2,000,000 for the bank portion, and a 7.5% cap rate for the remaining commercial portion. For the apartment we have estimated the value based on a cap rate of 7.0%.

2) Assumes project construction begins in 2013, with 50% constructed in 2013, and remaining portion completed in 2014. This assumption should be discussed further.

Exhibit II - Page 7 of 7

City of Lawrence, Kansas Redevelopment Tax Increment Financing District South Project Area

Sales Tax Assumptions for Sales Tax Increment and Transportation Development District (TDD) Sales Tax

Base Information

Existing Project Sales Taxes: NA

Sales Tax Rates	
City of Lawrence	1.55%
Douglas County	1.00%
Total TIF Sales Tax	2.55%
TDD	1.00%

Project Information

	<u>Hotel Units</u>	<u>Apartment Units</u>	<u>Retail Uses</u>	<u>Parking Uses</u>	<u>Total</u>
Estimated Annual Sales: ¹⁾	1,770,809	NA	3,808,400	inc. in hotel	5,579,209
Locally Taxable Portion of Retail Sales: ²⁾	70.00%	NA	100.00%	inc. in hotel	
Estimated Taxable Sales:	1,239,566	NA	3,808,400	inc. in hotel	5,047,966
Estimated TIF Sales Tax Rate: ³⁾	2.55%	NA	2.55%	inc. in hotel	
Estimated TDD Sales Tax Rate:	1.00%	NA	1.00%	inc. in hotel	
Estimated Annual TIF Sales Tax Collections: (at stabilized occupancy and sales)	31,609	NA	97,114	inc. in hotel	128,723
Estimated Annual TDD Revenues: (at stabilized occupancy and sales)	17,708	NA	38,084	inc. in hotel	55,792

Sales Tax Collections:

	<u>Estimated % of Total</u>	<u>Estimated Taxable Sales</u>	<u>TIF Sales Tax</u>	<u>TDD Sales Tax</u>
Taxes collected in 2013	0.00%	0	0	0
Taxes collected in 2014 ³⁾	50.00%	2,523,983	64,362	27,896
Taxes collected in 2015	100.00%	5,047,966	128,723	55,792
Taxes collected in 2016	100.00%	5,047,966	128,723	55,792

NOTES:

1) We have used the numbers presented by the Developer for total revenue from sales.

2) We have assumed that only 70% of the hotel sales will be taxable because of the targeted audience of University/College entities which are exempt from sales tax if paid for by the University/College. This topic needs further discussion.

3) We have assumed that the sales revenue is only 50% in the first year.

EXHIBIT III
PROJECTED PROPERTY TAX AND SALES TAX
INCREMENT & TDD

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area
Projected Property Tax and Sales Tax Increment & TDD

TIF Year (1)	Assess & Tax Levy Year (2)	Tax Distrib. Year (3)	Total Assessed (a) (4)	Original TIF Assessed Value (5)	(3) - (4) Increased Assessed Value (6)	Projected Property Tax Increment (b) (7)	Projected Taxable Sales (c) (8)	100% Projected Sales Tax Increment (d) (9)	Projected Total Increment (10)	Projected TDD Revenue (e) (11)
0	2012	2013	62,227	62,227	0	0			0	
1	2013	2014	62,227	62,227	0	0	0	0	0	0
2	2014	2015	1,332,409	62,227	1,270,182	131,874	2,523,983	64,362	196,236	25,240
3	2015	2016	1,567,540	62,227	1,505,313	156,286	5,047,966	128,723	285,009	50,480
4	2016	2017	1,598,890	62,227	1,536,663	159,541	5,148,926	131,298	290,839	51,489
5	2017	2018	1,630,868	62,227	1,568,641	162,861	5,251,904	133,924	296,785	52,519
6	2018	2019	1,663,486	62,227	1,601,259	166,247	5,356,942	136,602	302,850	53,569
7	2019	2020	1,696,755	62,227	1,634,528	169,702	5,464,081	139,334	309,036	54,641
8	2020	2021	1,730,690	62,227	1,668,463	173,225	5,573,363	142,121	315,346	55,734
9	2021	2022	1,765,304	62,227	1,703,077	176,819	5,684,830	144,963	321,782	56,848
10	2022	2023	1,800,610	62,227	1,738,383	180,484	5,798,527	147,862	328,347	57,985
11	2023	2024	1,836,623	62,227	1,774,396	184,223	5,914,497	150,820	335,043	59,145
12	2024	2025	1,873,355	62,227	1,811,128	188,037	6,032,787	153,836	341,873	60,328
13	2025	2026	1,910,822	62,227	1,848,595	191,927	6,153,443	156,913	348,839	61,534
14	2026	2027	1,949,039	62,227	1,886,812	195,894	6,276,512	160,051	355,945	62,765
15	2027	2028	1,988,019	62,227	1,925,792	199,942	6,402,042	163,252	363,194	64,020
16	2028	2029	2,027,780	62,227	1,965,553	204,070	6,530,083	166,517	370,587	65,301
17	2029	2030	2,068,335	62,227	2,006,108	208,280	6,660,684	169,847	378,128	66,607
18	2030	2031	2,109,702	62,227	2,047,475	212,575	6,793,898	173,244	385,819	67,939
19	2031	2032	2,151,896	62,227	2,089,669	216,956	6,929,776	176,709	393,665	69,298
20	2032	2033	2,194,934	62,227	2,132,707	110,712	7,068,371	180,243	290,955	70,684
21	2033	2034	2,238,833	2,238,833	0	0	7,209,739	0	0	72,097
22	2034	2035	2,283,609	2,283,609	0	0	7,353,934	0	0	55,155
Totals						\$3,389,654		\$2,820,622	\$6,210,276	\$1,178,224
									Total Revenue:	7,388,499

(a) Assumes 900 New Hampshire TIF Project value will be assessed according to completion schedule on previous page, with inflation commencing in Levy Year 2016

(b) Assumes 100% collection of property taxes. Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur October 2012, final collection would be first-half 2032 collection, distributed to City in January 2033. Assume 2010/2011 Mill Levy Rate held flat.

(c) Assumes 50% of sales are taxable in first year.

(d) Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur in October 2012, revenue in assess 2032/pay 2033 is the first 9 months.

(e) Assumes collection of TDD sales tax revenue for maximum term allowed, with note issued in 2013, would mature 22 years later in 2034 (assume first six months of revenue in 2034)

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area
Projected Property Tax and Sales Tax Increment & TDD

TIF Year (1)	Assess & Tax Levy Year (2)	Tax Distrib. Year (3)	Total Assessed (a) (4)	Original TIF Assessed Value (5)	(3) - (4) Increased Assessed Value (6)	Projected Property Tax Increment (b) (7)	Projected Taxable Sales (c) (8)	Projected Sales Tax Increment (9)	Projected Total Increment (10)
0	2012	2013	250,000	250,000	0	0			0
1	2013	2014	250,000	250,000	0	0	0	0	0
2	2014	2015	1,114,952	250,000	864,952	89,802	0	0	89,802
3	2015	2016	2,229,903	250,000	1,979,903	205,560	0	0	205,560
4	2016	2017	2,274,502	250,000	2,024,502	210,190	0	0	210,190
5	2017	2018	2,319,992	250,000	2,069,992	214,913	0	0	214,913
6	2018	2019	2,366,391	250,000	2,116,391	219,730	0	0	219,730
7	2019	2020	2,413,719	250,000	2,163,719	224,644	0	0	224,644
8	2020	2021	2,461,994	250,000	2,211,994	229,656	0	0	229,656
9	2021	2022	2,511,234	250,000	2,261,234	234,768	0	0	234,768
10	2022	2023	2,561,458	250,000	2,311,458	239,983	0	0	239,983
11	2023	2024	2,612,687	250,000	2,362,687	245,301	0	0	245,301
12	2024	2025	2,664,941	250,000	2,414,941	250,726	0	0	250,726
13	2025	2026	2,718,240	250,000	2,468,240	256,260	0	0	256,260
14	2026	2027	2,772,605	250,000	2,522,605	261,904	0	0	261,904
15	2027	2028	2,828,057	250,000	2,578,057	267,662	0	0	267,662
16	2028	2029	2,884,618	250,000	2,634,618	273,534	0	0	273,534
17	2029	2030	2,942,310	250,000	2,692,310	279,524	0	0	279,524
18	2030	2031	3,001,156	250,000	2,751,156	285,633	0	0	285,633
19	2031	2032	3,061,180	250,000	2,811,180	291,865	0	0	291,865
20	2032	2033	3,122,403	250,000	2,872,403	149,111	0	0	149,111
Totals						\$4,430,765		\$0	\$4,430,765

(a) Assumes North TIF Project value will be assessed according to completion schedule on previous page, with inflation commencing in Levy Year 2016

(b) Assumes 100% collection of property taxes. Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur ____, 2012, final collection would be first-half 2032 collection, distributed to City in January 2033. Assume 2010/2011 Mill Levy Rate held flat.

(c) Assumes no sales generated by development

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

August 19, 2012

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AUG 20 2012

City County Planning Office
Lawrence, Kansas

Mr. Bruce Liese, Chairman
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

Re: ITEM NO. 6: COMPREHENSIVE PLAN REVIEW OF NINTH AND NEW HAMPSHIRE PROJECT

Dear Chairman Liese and Planning Commissioners:

Regarding approval of the proposed TIF and TDD methods of financing improvements for the 9th and New Hampshire project, the League has a position that dates back many years on the subsidization of development. It reads as follows:

"5. Economic Considerations


Planning for development should take into consideration the tax burden of the public at large and therefore avoid undue public subsidization of expansion by keeping public improvements within the pace of population growth and tax valuation. As much as possible, the expense of development improvements should be borne by the developers or residents benefitting by such improvements...

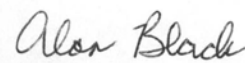
Future public money which would normally be spent on subsidies and on delinquent assessments under present city policy should be used instead to pay for present day maintenance, services, and planning...."

Based on this position the Lawrence League would not be able to support the proposal to use TIF and TDD financing for this project.

Thank you for considering our letter.

Sincerely,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee